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HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF COMMONS:

CONTAINING AN ACCOUNT OF

The most interesting SPEECHES and MOTIONS; accurate Copies of the most remarkable LETTERS and PAPERS; of the most material EVIDENCE, PETITIONS, &c. laid before and offered to the HOUSE,

DURING THE

FIFTH SESSION of the FOURTEENTH PARLIAMENT

OF

GREAT BRITAIN.

IN SEVENTEEN VOLUMES.

VOL. XII.

LONDON:

REPRINTED FOR JOHN STOCKDALE, PICADILLLY;
J. WALKER, R. LEA, AND J. NUNN;
By WILSON and Co. Wild Court.

1802.

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THE

HISTORY

OF THE

PROCEEDINGS and DEBATES

Of the FIFTH SESSION of the

HOUSE OF COMMONS

OF THE

Fourteenth Parliament of *Great Britain.*

May 6, 1779.

THE house went into a committee to consider of the several papers which were presented to the house by Mr. De Grey. [*See the papers*, page 253 & seq. Vol. XI].

Frederick Montagu, Esq. in the chair. Chairman said it was an instruction to the committee from the house to call in Earl Cornwallis, and examine him relative to the subject matter of the said papers.

Earl *Cornwallis* was called in, and being seated in a chair covered*, the examination began by Sir William Howe.

Q. Was not the knowledge of the face of the country of America, for military purposes, extremely difficult to be obtained from the inhabitants?

A. I am happy to take this public opportunity to declare my great regard and veneration for the character of Sir William Howe; I think he has deserved greatly of his country; I think he has served his country with fidelity, assiduity, and with great ability. After having given this public testimony of my opinion of the general's conduct, I beg this house will understand that I do not come here to answer to questions of opinion, but merely to questions of matter of fact; the private opinions of a subordinate officer can give very little satisfaction to this house; they

* His Lordship sat two or three minutes with his hat on, but as soon as the examination began he rose and gave his answers uncovered.

may possibly not do justice to the character of the honourable general, or my own. I therefore trust in the candour of this house, that they will put no questions to me, but such as relate to matter of fact.

[*Then the question was repeated*].

Q. Was not the knowledge of the face of the country of America, for military purposes, extremely difficult to be obtained from the inhabitants?

A. It was.

Q. Is not the country in general so covered with wood, and so favourable to ambuscades, that but an imperfect knowledge of it can be obtained from reconnoitering?

A. It certainly is very difficult to obtain a knowledge of it by reconnoitering.

Q. Does your Lordship know any country, considering the circumstances of the American war, so well calculated for the defensive?

A. I never saw a stronger country, or one better calculated for the defensive.

Q. Were the movements of the King's army much embarrassed and retarded, by the difficulty of getting provisions when in the field, and from the closeness of the country?

A. They were.

Q. Did your Lordship see the enemy's lines at Brooklyn during the action of the 27th of August 1776?

A. I did not see them on that day with any accuracy; I was on the left with the second battalion of grenadiers, and could form no judgment.

Q. From the knowledge you had of those lines after the action, would it have been a prudent measure to have assaulted those works on that day?

A. I apprehend the latter part of that question is matter of opinion; I never did hear it suggested by any one that those lines could have been carried by assault.

Q. Was any advantage to be expected from that assault, adequate to the consideration of the loss of men which we must have suffered?

A. I apprehend this to be entirely a question of opinion; and although I might have no difficulty in answering this question, yet, as it may lead to others of a more difficult nature, I must beg leave to decline it.

Q. Did your Lordship understand, at that time, that the enemy's principal strength was then on York Island?

A. It

A. It was universally supposed that the enemy's principal strength was at that time on York Island.

Q. Did you observe that any time was lost in making preparations for the landing on York Island?

A. I do not know that any time was lost; the preparations were of a complicated nature, and depended, in some degree, on the naval department.

Q. Was the possession of the city of New York a necessary measure previous to any operations to the eastward against the enemy at King's Bridge?

A. In regard to any opinion I may have given, I beg to be understood that I do not think myself bound to give to this house my past opinion, any more than my present opinion; I have not solicited this house to enquire into my conduct—The question being entirely a matter of opinion, I beg to decline it.

Q. Did your Lordship observe any avoidable delay, prior to the movement of the army from York Island?

A. I did observe no avoidable delay; and from the particular employment I had at that time in superintending the works thrown up for the defensive army that was to remain in York Island, I think there was no avoidable delay.

Q. Was you acquainted with Sir William Howe's reasons for not attacking the enemy's entrenchments at White Plains on the 28th of October, after the defeat of the corps on the enemy's right?

A. I was.

Q. Were those reasons, in your opinion, sufficient for declining the attack on that day?

A. This question, although it bears the face of a question of opinion, is not so in fact; from political motives, it is impossible either for the General or myself to explain those reasons—if they could be explained to this House, it must appear evidently that the attack was impossible.

Q. Did it appear to your Lordship that the country, in the rear of the enemy, was so strong as to have afforded them a secure retreat?

A. That question is likewise in part a question of opinion; the answer I shall give is, that the country in their rear did appear very strong.

Q. Would it have been prudent to have pursued the enemy from Brunswick with that part of your Lordship's corps which first reached that place?

A. As my conduct in America forms no part of the present enquiry, I certainly do not think myself at present accountable to this house for any action of my own; I am however on the present occasion free to say, that I could not have pursued the enemy from Brunswick with any prospect of material advantage, or without greatly distressing the troops under my command.

Q. Was there any movement made in the pursuit of the enemy to Trenton, with a design to cross the Delaware at that time?

A. The night that the general arrived at Trenton, he detached me with a considerable corps of troops from Maidenhead to Corriel's Ferry, where we had some hopes, from previous measures taken by the general, that we should have found boats to cross the river; our expectations were disappointed, and we found no boats.

Q. Whether the execution of that measure (crossing the Delaware) was practicable at that time?

A. As the Delaware was not fordable, and we could get no boats, it was certainly impracticable, as I said.

Q. For the reasons then known to your Lordship, was Sir William Howe justifiable in having taken Trenton into the chain of cantonments, and for posting the Hessian troops with the forty-second regiment there, and at Burdenton, under the command of Colonel Donop?

A. This again is a question of opinion, and does come under the description of those which I think myself not bound to answer; but as I believe that I was the person that first suggested the idea to the general of taking Trenton and Burdenton into the chain of his cantonments, I think myself in honour bound to answer it. The advantage that must naturally arise from holding so large a part of the Jerseys, the great encouragement we met with from the inhabitants, three or four hundred of whom came in and took the oaths every day for at least ten days, the great advantage we should derive from obtaining forage and provisions, made me think it adviseable to risk that extended cantonment. Human prudence could not foresee the fatal event of the surrender of Colonel Rhall's brigade. I apprehended no danger, but the chance of having our quarters beat up in the winter, and the object in my opinion, towards finishing the war, was of greater consequence than two or three victories.—In regard to what the general mentions of posting the Hessians on the left of the cantonments, I must say, I ever had, and still have,

have, the highest opinion of those brave troops.—The misfortune at Trenton was owing entirely to the imprudence and negligence of the commanding officer; on all other occasions the troops ever have behaved, and I dare say ever will behave, with the greatest courage and intrepidity. The behaviour on the attack of Fort Washington of this very brigade of Colonel Rhall's was the admiration of the whole army.

Q. In the beginning of the campaign 1777, would it have been consistent with the operations then proposed, to have marched the army from Hillsborough in Jersey, to attack the enemy at Middle Brook, after the intelligence received of the strength of that post?

A. As this question is certainly a matter of opinion, and may lead to many others of a very critical nature, I must decline answering it. I must however say, that to my knowledge Sir William Howe took great pains to inform himself of the situation of the enemy's camp at Middle Brook, and that the intelligence he received was by no means encouraging.

Q. Were there any solid reasons for not attempting the passage of the Delaware through Jersey at that time?

A. There were certainly many solid reasons against it.

Q. Did your Lordship observe any unnecessary delay in moving the army from the Jerseys, for the embarkation from Staten Island.

A. I did not observe any unnecessary delay in that operation.

Q. From the army's arrival at Staten Island, could we with propriety have embarked earlier than we did?

A. I think we embarked three or four days after we arrived, and that we could not have embarked sooner.

Q. Did Sir William Howe consult you on the expediency of the expedition to Pensylvania?

A. As any reference to any private conferences or consultations that I was honoured with by Sir William Howe may involve me in matters of great intricacy, I must decline giving any evidence to this house concerning it.

Q. Did not the expedition to Pensylvania prove a powerful diversion in favour of the Northern army?

A. I likewise apprehend that to be a matter of opinion, and decline answering it.

Q. Whether the rebel main army did not march into Pensylvania to oppose the corps on that service?

A. I apprehend the main army did; that is, the army commanded by General Washington, and it was understood the greatest part, if not the whole, did.

Q. Do you recollect to have heard of a detachment of American troops being sent to General Washington's army from a corps of the troops then in the highlands, in the province of New York, in the course of the campaign, prior to our knowledge of any misfortune having happened to the northern army?

A. I do recollect hearing that a body of about two thousand men marched from the highlands under the command of the rebel General Maxwell, to reinforce General Washington's army immediately after the battle of Brandywine.

Q. Do you recollect your coming on board the admiral's ship off the Delaware?

A. I do.

Q. Did your Lordship concur with Sir William Howe in the propriety of the measure of going up Chesapeak Bay in preference to the Delaware?

A. I apprehend that I have already given my reasons for not answering that question.

Q. Did your Lordship concur with Sir William Howe in the propriety of dividing the army to bring the enemy to action at Brandywine?

A. The manœuvre that brought on the action at Brandywine, certainly reflects the highest honour on the general. As I have already refused to inform this house whether I concurred in other operations, I have no right to take any merit from concurring in this.

Q. Did your Lordship observe that any advantage was lost which might have been taken in consequence of that battle?

A. I did not see that any advantage was lost.

Q. Were not the movements of the army between the battle of Brandywine, and crossing the Schuylkill, well calculated to take advantage of the enemy's motions, to bring them to action, and to get early possession of Philadelphia?

A. I can have no objection to answer this qustion, but the old objection, that it is a matter of opinion.

Q. Do you know whether the army could have crossed the Schuylkill by the route of Derby?

A. The Schuylkill is not fordable on that route; and as we understood that the bridge was broke, it would not have been very easy to have passed there.

Q. Do

Q. Do you recollect the reasons that induced Sir William Howe to give the command of the attack on Red Bank to Colonel Donop?

A. I do.

Q. Will your Lordship give them to the committee?

A. Soon after the army landed at the head of Elke, Colonel Donop wrote to me to desire me to represent to the general that he thought he had not been sufficiently considered, that he had had no separate command, and consequently had had no opportunity of distinguishing himself: Sir William Howe then I think directed me to assure him, that he would take the first opportunity of giving him a suitable separate command.

Q. Whether Colonel Donop had positive or discretionary orders for the attack of Red Bank?

A. I had the honour of communicating to Colonel Donop, Sir William Howe's orders for the attack of Red Bank, and they were entirely discretionary.

Q. Does your Lordship know whether Colonel Donop was satisfied with those orders?

A. Colonel Donop appeared to me perfectly satisfied with his orders, and much pleased with his command.

Q. Does your Lordship know whether Lieutenant General Knyphausen was satisfied with the orders given to Colonel Donop?

A. I do not recollect hearing that at the time; I have since heard it: I never heard he was dissatisfied.

Q. During the time the army was at German town, and the detached corps at Philadelphia and Wilmington, would it have been adviseable to have risked a corps at Red Bank?

A. I cannot, consistently with my former declaration, answer that question in the manner Sir William Howe has put it. Colonel Stirling, who crossed the Delaware at Chester with three battalions, to take possession of Billingport, was directed by the general to make his report to me at Philadelphia; he represented to me that he could not proceed to Red Bank without a considerable reinforcement: that in some degree answers the question.

Q. Would not a small party have been much exposed at Red Bank, and without a possibility of a timely support from Sir William Howe, if it had been attacked?

A. I have again no objection to that question, but that it is a matter of opinion.

Q. Were we not much retarded in the possession of the fort on Mud Island, by the rains and tides overflowing the dykes, causeways, and even the platforms of our batteries?

A. We were much retarded by an extraordinary storm of rain which broke down the dykes, and did great damage to our works.

Q. Does your Lordship recollect any instance of Sir William Howe's omitting any opportunity of attacking the enemy when it could be done with a reasonable prospect of advantage, considering all respective situations and circumstances at the time?

A. I have already, and I hope, very fully, declared to this house the high opinion I entertained of that honourable gentleman; I should not have entertained that opinion of him, if he had been guilty of any such omissions.

[*Here Sir William Howe ended his Examination.*]

Lord *Howe*. Q. The noble Lord having said in answer to the question, whether any time was lost in making preparations for the landing on York Island, that they were of a complicated nature, and depended in some degree on the naval department, he will be pleased to say, whether he knows of any obstructions to the operations of the army caused by delay in furnishing the requisite assistance from the fleet?

A. When I mentioned that the operation of landing on York Island depended in a great measure on the naval department, I did not, I am sure, mean to hint that there was any unnecessary delay in that department: I can with truth assure the house that, during the whole time that that noble Lord commanded the naval department in America, as well whilst Sir William Howe commanded the army as afterwards, that the troops met with all possible assistance and co-operation from the navy, and that the greatest harmony subsisted between them; and that that noble Lord's character cannot be more revered by the seamen than it is by the soldiers of the American army. The reason for my having mentioned the naval department before was, that I was not a competent judge.

[*Examined by other members of the committee.*]

Q. Were the lines at Brooklyn, after General Clinton had turned the left of the enemy, and got into their rear, and was advancing to the enemy's lines, were they then manned, or was the enemy retiring from them?

A. As

A. As I was not with Sir Henry Clinton, I cannot answer that question. I never heard that the enemy were retiring.

Q. Was there a possibility of Sir Henry Clinton's getting behind the enemy's lines at Brooklyn?

A. I apprehend that question to be answered by the former part of my evidence.

Q. Was there a possibility of getting behind the enemy's lines without forcing them?

A. Undoubtedly not.

Q. Whether the enemy's lines at Brooklyn were complete.

A. I don't know. I have already said, I did not see them during the action. I was detached to Newtown, and had no opportunity of going to Brooklyn till the lines were nearly demolished.

Q. What do you conceive the strength of the enemy's lines at Brooklyn, as to numbers?

A. I can't tell. It was reported they had six or eight thousand men on Long Island.

Q. What was the principal strength of the enemy on York Island?

A. I really do not know, more than common report.

Q. In what respect would the pursuit of the enemy from Brunswick have distressed the troops under your command.

A. We arrived at Brunswick the night of the first of December; we had marched that day twenty miles through exceeding bad roads; we subsisted only on the flour we found in the country, and as the troops had been constantly marching ever since their first entry into the Jerseys, they had no time to bake their flour; the artillery horses and baggage horses of the army were quite tired: that sufficiently proves that we were not in a good condition to undertake a long march; the bridge over the Rariton was broken, which caused a necessary delay of one day; if the enemy could not have passed at Trenton, they might have marched down the east side of the Delaware. What I have said I believe is sufficient to prove that we could not reap any considerable advantage from such a pursuit.

Q. Does your Lordship recollect the number of troops that arrived the first day at Brunswick?

A. I took no notes or memorandums. I think two battalions of the light infantry, two battalions of British grenadiers, three battalions of Hessian grenadiers, and I believe the forty-second and thirty-third regiments, but I am not quite clear.

clear. The fourth brigade under General Grant were halted at Bonham Town, about seven miles in our rear. There were likewise two companies of Hessian Yagers, and the sixteenth regiment of light dragoons. I do remember Colonel Griffin, and adjutant general of the rebel army, met me on the march, and that I was unwilling he should see the troops as they were so few.

Q. Were the troops under the command of your Lordship in a condition to have marched forward before the sixth?

A. The troops would have been so undoubtedly.

Q. At what hour on the seventh did the King's troops reach Prince Town?

A. The left column came about an hour before sun-set; the second column between nine and ten at night.

Q. How long had the enemy quitted Prince Town when the first column arrived?

A. I understand (I cannot speak with certainty) that a detachment quitted Prince Town that morning; what time I do not know.

Q. What was the number of the enemy that quitted Prince Town, and the number of the King's troops who arrived there that day?

A. I do not know what the number of the enemy was; they were represented to us to be without artillery or baggage. The number of the King's troops I do not recollect; it may be easily ascertained if material.

Q. How long had the enemy's rear guard passed the Delaware on the eighth, when the first division of the King's troops, which advanced to Trenton, reached that river?

A. I cannot speak as to the enemy's rear guard; they kept a small detachment in Trenton till our troops got near it. I do not apprehend the enemy's rear guard were in any danger from our troops that day.

Q. What was the impediment to pursuing the march from Brunswick, as your Lordship says the troops were undoubtedly able before the sixth?

A. As the enemy had so much the start of us, I do not see there was any great object for the march. We wanted reinforcement in order to leave troops for the communication between Brunswick and Amboy. It was likewise necessary to pay some attention to a considerable body of troops then passing the North River under General Lee.

Q. Whether your Lordship had communicated to you, or whether you knew of any promise of any of the chiefs, or men

men of considerable interest among the rebels in Pensylvania, made to General Howe on or about the 20th December 1776, for furnishing him [General Howe] with any aid or assistance, in case of his entering Pensylvania with his army?

A. I did not know of any such offers or promises.

Q. Did you know of any other circumstances existing on or about the 20th of December 1776, which could warrant a confidence of a peaceable or friendly disposition in any very considerable part of the Pensylvanians towards Great-Britain?

A. No; I knew of none.

Q. Will your Lordship state in what respect America is so remarkably fitted for a defensive war?

A. I can only say that it is a very strong country, very rugged, very hilly, and very woody.

Q. Is this description applicable to all parts of the country in which you have served?

A. By no means equally so, but in some degree to all.

Q. Do you think it easy to embody what number of provincial troops might be proper for the King's service?

A. I had very little opportunity of knowing any thing about the raising the provincial troops; but I think not.

Q. In the march from the Elk to Philadelphia, was the disposition of the inhabitants favourable or unfavourable to the King's troops?

A. I do not think it would be prudent or proper for me at this time to answer that question.

Q. Whether it was possible to raise among the provincials in Pensylvania such a force as might be sufficient for the interior defence of the province, and to leave the army at liberty to proceed to offensive operations?

A. As that is a question totally of opinion, I beg leave to decline it.

Q. What was the number of the King's troops on Long Island at the time of the attack of the lines at Brooklyn?

A. I cannot answer that question with any degree of precision.

Q. Whether at that time he understood, that the enemy had any considerable force on York Island or any where else?

A. I think I have already said, that the principal force of the enemy was then on York Island.

Q. What did you conceive to have been the breadth of the Sound between Long Island and York Island?

A. I

A. I believe it was about one thousand or twelve hundred yards. I can speak with no accuracy to it.

Q. How near to the Sound were any of the King's troops posted after the action?

A. The army was encamped a little out of cannon-shot of the lines: I know of no place where they could have taken post so as to discern what was passing at Brooklyn Ferry.

Q. What general officer was next in command to Sir William Howe at the time of the expedition to the southward?

A. Sir Henry Clinton.

Q. Do you know, as a matter of fact, what was the declared opinion of Sir Henry Clinton relative to Sir William Howe's carrying the army southward?

A. As I have already declined answering for my own private consultations and conferences, I certainly shall not answer for those of other people.

Q. Has your Lordship not heard, as a fact, that Sir Henry Clinton declared that he did not believe such a movement possible, and that he took the communication of it, when made to him, as a feint to cover some design either to the eastward or up the North River?

A. I never heard that Sir William Howe asked any public opinion of Sir Henry Clinton—And I do not think this a proper place to repeat private conversations in.

Q. How many days was the fleet in passing with the army from the capes of the Delaware to the head of the Elk?

A. I do not recollect—It is in the papers on the table.

Q. Has your Lordship heard, or do you know, that there were any reasons, either from the nature of the banks, or from the disposition of the enemy, to make it difficult for Sir William Howe's force to have landed on the western banks of the Delaware?

A. I really can give no direct answer to that question; I have been twice up and down the Delaware, but both times in the night.

Q. Does your Lordship know of any advantage in fact gained by landing at the head of the Elk, that would not have been gained by landing on the Dealware?

A. The honourable gentleman, by ushering in the question, by asking if I know in fact, does not alter the nature of the question; I think it matter of opinion, and therefore shall not answer it.

Q. How was the army supplied with provisions after it landed at the head of the Elk, in its march to Philadelphia?

A. The

A. The army was very well supplied with provisions on that march, partly by what was carried in the provision train, and partly by the cattle and flour we found in the country.

Q. Was it not also necessary that it should be supplied by the arrival of the fleet in the Delaware before the army reached Philadelphia?

A. We received no provision from the Delaware till the army had reached Philadelphia.

Q. Whether the lines at Brooklyn on the left were brought down so near the water's edge as to preclude the passage of troops between the shore and the lines, so as to come on the back of the lines?

A. I have said I know so little of the lines at Brooklyn that I can say nothing with accuracy about them; but I believe I can with certainty say, that there was no such opening as the question supposes.

Q. Whether in the course of your military experience you have known, except on this occasion, that ground has been broken at any distance, and a regular approach made by trenches to attack such lines as those at Brooklyn?

A. In the first place, I am not well acquainted with the lines at Brooklyn, and I do not recollect any case exactly parallel.

Q. Whether Colonel Donop solicited the command at Red Bank.

A. I thought I had already fully explained that matter to the house; I know of no solicitation of Colonel Donop's subsequent to the letter I mentioned, which he wrote to me on our landing at the head of the Elk.

Q. What were the exact terms in which the orders were delivered for that expedition.

A. As the order was given verbally, it is impossible to recollect all the words exactly. I recollect perfectly well that I began with telling Colonel Donop that Sir William Howe by no means wished him to sacrifice the troops under his command; that if he found that Red Bank could not easily be carried, that he should give notice to Sir William Howe, and that proper measures would be taken to send him reinforcements and artillery; that if he found that Red Bank could be easily carried by assault, that the general was very desirous of putting an end to that business, and wished him to brusquer l'affaire; I believe this is nearly what I told him; I told it to Sir William Howe the same evening.

Q. How near were the 33d regiment and the grenadiers to the enemy's lines at Brooklyn?

A. I have already said, that I was on the left with the second battalion of grenadiers, and therefore cannot answer that.

Q. Whether the grenadiers and the 33d regiment did not pursue the enemy so close to their redoubt that it required repeated orders to prevail on them to desist from taking it by storm?

A. I have already said that I do not know: there is an honourable member present who commanded one of those battalions; he can answer it; Colonel Stuart.

Q. Was there not a time at the White Plains when our army lay on their arms, intending to attack the enemy, but were prevented by rain?

A. After the enemy fell back to the heights near North Castle, they left an advanced corps on the heights of the White Plains; there were orders given for an attack of that corps, which was prevented by a violent rain. We did not lay upon our arms.

Q. From the situation of the rebel army and of ours, was that storm of rain in their or our faces?

A. I do not apprehend that the attack was prevented by the storm of rain being in either of our faces; there are other effects of a storm of rain; such as spoiling the roads, and preventing the drawing artillery up steep hills.

Q. Whether if the powder was wet on both sides, the attack might not have been made by bayonets?

A. I do not recollect that I said the powder was wet.

Q. Whether you knew, before the sailing from Sandy Hook, of any letter received by Sir William Howe from General Burgoyne?

A. General Howe made no public communication to me of any such letter; I include all letters privately shewn to me under the idea of conferences and consultations.

Q. Whether America, being a country so calculated for defence, the war carried on there must not be a war of posts?

A. I apprehend that is a question of opinion as it stands; I have no difficulty in answering it, but as it may lead to others.

Q. Has not the war been a war of posts.

A. I apprehend the history of the war will answer that question.

Q. Whether a war of posts is not tedious and expensive?

A. I apprehend this to be a general proposition, which the honourable gentleman, as a member of this assembly, may answer as well as I.

Q. How

Q. How many days provisions could the troops carry without inconvenience, each soldier, on his back?

A. We generally carried three; it might possibly be, on particular occasions, four.

Q. How many days provisions could be carried for the army in the beginning of the year 1777 by land-carriage, waggons and horses only?

A. I cannot answer that question with precision; we could carry more in Pensylvania, because we trusted there to finding flour and cattle in the country. I think in Pensylvania we carried about twenty-two days rum, about six days pork, and twelve or fourteen days bread. In the Jerseys we should have been obliged to carry a larger proportion of meat, consequently a smaller proportion of bread and rum.

Q. Whether an army so circumstanced could carry on any great operations of war far from their fleet?

A. That, as a question of opinion, I must decline answering.

Q. Whether your Lordship sees any prospect of an end of this war, with the force now employed on that service?—— His Lordship has, I think, already answered one question of opinion.

A. As I am not used to speak in public, and never was examined as a witness before, an answer to a question of opinion may have escaped from me. I did not give it intentionally. I cannot suppose the honourable gentleman really expects that I should answer the last question.

Q. Whether Philadelphia, if you had succeeded in taking it, when you attempted to cross at Corriel's Ferry, could have been kept by our army during the winter?

A. If any thing could induce me to depart from my resolution of not answering to matters of opinion, it would be my desire to oblige that honourable gentleman; I am sorry to refuse so often to answer to matters of opinion, but I have seen no reason to depart from my resolution.

[Then the former part of Lord Cornwallis's evidence, in which he said, that from political motives it was impossible, either for the general or himself, to explain the reasons for declining the attack at the White Plains on the 28th of October, was read; and being asked what he meant by political motives? his Lordship said,

What I call political reasons relates to no orders from hence, or any thing in which English politics are concerned; perhaps the word political is not a proper one, but I do not know what word to substitute in its place.]

Q. Did

Q. Did the Hessian infantry refuse to charge?

A. In answer to this question, I must again repeat the highest encomiums on the valour of the Hessian troops; on that particular day the regiment of Losberg (one of Colonel Rhall's brigade) greatly distinguished itself. I cannot satisfy the honourable gentleman's curiosity, but I will venture to assure him upon my honour, that if he knew the reasons he would be perfectly satisfied.

Q. In what sort of opinion, and in what sort of character, did Sir William Howe stand with the officers and soldiers of his army?

A. Sir William Howe was highly esteemed by the officers and soldiers of his army.

Q. Was your Lordship ever consulted upon any plan of operations for carrying on the war in America, which was rendered impracticable or unadviseable for want of the reinforcements demanded from England?

A. I do not thoroughly understand the question; but as far as I do understand it, it comes under my rule with respect to conferences and consultations.

Q. Do you know what reinforcements were demanded by the general for the year 1777?

A. I know nothing of any requisitions made by the general, nor of his correspondence, until it came on this table.

Q. Did you stop at Brunswick from the 1st to the 6th in consequence of orders?

A. I understood it to be the general's directions that I should halt at Brunswick; but had I seen that I could have struck a material stroke by moving forward, I certainly should have taken it upon me to have done it.

Q. Did you receive no orders after you arrived at Brunswick?

A. I had a constant correspondence with Sir William Howe; I reported my situation to him, and from time to time received his directions.

Q. Did you receive any reinforcement between the 1st and the 6th at Brunswick?

A. I think not.

Q. Was it in consequence of orders that you marched on after the 6th.

A. Sir William Howe came up to join me on the 6th with the fourth brigade, and then I went on under his orders.

Q. Whether Sir William Howe consulted with you on his expedition to Philadelphia?

A. I apprehend I have given a satisfactory answer to that question in the former part of my evidence. [*Withdrew.*

Major

Major General *Grey* was called in and examined by Sir William Howe.

Q. Was not the knowledge of the face of the country in America, for military purposes, extremely difficult to be obtained from the inhabitants of the country?

A. The inhabitants of the country in general were so very much against us, that they deserted the country wherever we came, and we could get no intelligence that we could possibly depend on.

Q. Is not the country in general so covered with wood and so favourable to ambuscades, that but an imperfect knowledge of it can be obtained by reconnoitering?

A. That part of America where I have been, is the strongest country I ever was in. It is every where hilly and covered with wood, intersected by ravines, creeks and marshy grounds, and every quarter of a mile is a post fitted for ambuscades. Little or no knowledge could be obtained by reconnoitering.

Q. Do you know any country, considering the circumstances of the American war, so well calculated for the defensive?

A. My answer to the former question certainly shews that America is of all countries the best calculated for the defensive; every one hundred yards might be disputed, at least that part of it that I have seen.

Q. Were the movements of the king's army much embarrassed and retarded by the difficulties of getting provisions, when in the field, and from the closeness of the country?

A. There was seldom a possibility of marching but in one column, consequently the march of the army must be much retarded and very slow.

Q. Did not the expedition to Philadelphia prove a powerful diversion in favour of the northern army?

A. I think a stronger or more solid diversion could not have been made, than that of drawing General Washington and the whole continental army, near three hundred miles off.

Q. Was you of opinion that the division of the army, to bring the enemy to action at Brandywine, was judicious and expedient?

A. I think the division of the army before the battle of Brandywine was a masterly movement, deceived the enemy, and brought on the action with almost a certainty of success.

Q. Did you observe that any advantage was lost, that might have been taken in consequence of that battle?

A. I know of none.

Q. Were not the movements of the army between the battle of Brandywine and passing the Schuylkill, well calculated to take advantage of the enemy's motions, to bring them to action and to get early possession of Philadelphia?

A. I think every thing was done that could be done, to bring the enemy to action, and to make an impression upon them; and this was very nearly once effected, but was prevented by the weather, which render it impossible.

Q. Would the route of the army by Derby to Philadelphia, have given a prospect of equal advantages, or of as early possession of Philadelphia?

A. The route of Derby, I apprehend, might have retarded the possession of Philadelphia, the enemy having destroyed the bridge, and there was no ford nearer than where the army crossed.

Q. Do you consider the fords below which were guarded by cannon and troops?

A. The fords below were guarded by cannon, and there was no ford that we could cross so conveniently as where we did cross.

Q. Did you at any time observe that Sir William Howe shewed an improper degree of lenity to his Majesty's rebellious subjects in North America?

A. I never saw any degree of lenity shewn to the Americans, but what was highly proper and much to the honour of the general and the British army.

Q. Was you of opinion that laying waste the country would have produced much inconvenience to the king's army, or have tended in any great degree to the distress of the inhabitants under the protection of the troops.

A. I apprehend that measure being pursued must have been attended with great inconvenience to the troops, in case of revisiting that part of the country. For example, the army under march through the Jerseys to Sandy-Hook, must have suffered very considerably if that measure had been adopted; and also the army and the people under the protection of the army must have been distressed in winter quarters.

Q. Did it appear to you that the desolation of the country in America would have tended more to alienate the minds of the Americans from his Majesty's government, than to terrify them into obedience?

A. I thought it would have had the very contrary effect from terrifying them into obedience.

Q. Is it your opinion, that the commander in chief, unless particular events should authorise it, would have been justifiable in proceeding to the measure of laying waste the country, without having received decisive orders to that effect?

A. I think the commander in chief would have been highly to blame to have taken such a step, without very particular and decisive orders for carrying on so horrid a war.

Q. During the time the army was at German-Town, and the detached corps at Philadelphia and Wilmington, would it have been adviseable to have risqued a detached corps at Red-Bank?

A. There was at that time 5000 men at least detached from the army, which weakened the army at German-Town so much, that no more detachments could be made.

Q. Would not a small corps have been much exposed at Red-Bank, and without a possibility of timely support from Sir William Howe, if it had been attacked?

A. That question is pretty much answered in the former; they were continually exposed to the gallies and other vessels near Red-Bank; with regard to supporting it, it was answered in the former answer.

Q. Do you know whether we were much retarded in the possession of the fort on Mud Island, by the rains and tides overflowing the dykes and causeways, and even the platforms of the batteries?

A. The very heavy rains which fell, and high tides, certainly delayed the siege very much.

Q. Do you think an attack on the enemy's army at White-Marsh would have been adviseable?

A. I think an attack of the enemy, so very strongly situated as they were at White-Marsh, would have been highly imprudent.

Q. Do you think it would have been adviseable to have attacked the enemy at Valley Forge in the winter, when the army lay at Philadelphia?

A. As affairs were then situated in America, I think an attack on the enemy at Valley-Forge, so strongly posted as they were, both by nature and art, would have been very unjustifiable.

Q. Do you recollect any instance of Sir William Howe's omitting any opportunity of attacking the enemy, when it

could have been done with a reasonable prospect of advantage, considering all respective situations and circumstances at the time?

A. All circumstances considered, the chance of difficulties in carrying on a war in the strongest country in the world, with almost an unanimous people to defend it, and the number of troops the commander in chief had to overcome those difficulties, I know of no instance wherein Sir William Howe ever omitted attacking the enemy, or of his not doing every thing that was possible to be done to promote his Majesty's service and the honour of the British arms.

Q. In the beginning of the campaign 1777, do you think it would have been adviseable to have marched the army from Hillsborough to attack the enemy at Middle Brook, after the intelligence received of the strength of that post?

A. As no decided advantage, in my opinion, could have happened, I think an attack upon the enemy in that strong country, at Middle Brook, with as strong a one in the rear, and their retreat secured by that means, would have been very wrong.

Q. Are you of opinion that the expedition to Pensylvania was preferable to going up Hudson's River or to New England, considering the circumstances attending the campaign?

A. I think I have answered that question, by saying that that movement was a good and solid diversion in favour of the northern army, by drawing off the continental army.

[*Examination by other members of the committee.*]

Q. Do you know the height of the point at Red-Bank?

A. I do not know the exact height of Red-Bank; but this I am sure, that the cannon of the gallies would have annoyed the troops.

Q. Do you know the height of the gallies?

A. No.

Q. What angle must the cannon of the gallies have been placed in to have annoyed the troops?

A. I cannot answer that.

Q. Must the breeches of the cannon have been lowered?

A. I don't know. This I know, that Colonel Donop's troops suffered a great deal from the gallies.

Q. You said, that America had almost an unanimous people to defend it, how do you reconcile those words with the

the war of devastation, alienating the minds of the people under that description?

A. By making them totally so.

Q. At what time did the campaign of 1777 open at New York?

A. If my memory serves me, we passed over to Amboy the 11th of June. I may be mistaken perhaps as to the day.

Q. Would it have been adviseable to have opened the campaign earlier?

A. The troops cannot take the field till there is a sufficiency of green forage on the ground, and that date was earlier than I ever remember taking the field in Germany.

Q. Was the army supplied with all proper necessaries to take the field sooner?

A. I did not arrive at New York till the 5th of June, so I cannot exactly speak to that question.

Q. Whether the enemy did in general so conduct themselves in their behaviour, that considering the nature of the country, it was prudent to observe the best military manœuvres in the attack of posts?

A. They were certainly very far from a contemptible enemy.

Q. Whether a victory on our side would have been more fatal to the Americans than a defeat on our side would have been to us?

A. Any great loss sustained on our part was not to be recovered that campaign. The Americans, on the contrary, could recruit their army at pleasure. For example, the attack of the victorious army at German Town, by the same army that was defeated three weeks before at Brandywine.

Q. How far did the movement to Philadelphia carry the British army from Hudson's River?

A. The same distance as General Washington's army.

Q. Whether (supposing both Sir William Howe's and the rebel army had continued on Hudson's River) Sir William Howe, with his army, was able to keep General Washington in such play as to prevent General Washington from turning his attention to any other operation?

A. I think General Washington would have acted upon the defensive, avoiding an action, have thrown great force into the forts in the highlands; that if Sir William Howe with his army had manœuvred with Washington, by advancing up the river, Washington would or might, after having furnished the forts in the highlands in the manner

I have said, have placed himself behind him, between New York and him, and cut off his retreat and provisions.

Q. Are you of opinion that General Washington could have perfected all these operations without being annoyed or prevented from doing so by Sir William Howe?

A. I think he could have done it with great ease.

Q. Is it your opinion that the best possible way for Sir William Howe to have assisted the northern army was by going to Philadelphia?

A. I have firmly answered that question.

Q. If Sir William Howe had suffered General Washington to get into the highlands, was there a prospect of bringing him to a general engagement?

A. General Washington was watching the motions of Sir William Howe at the Clove, and could have passed over at any time without Sir William Howe's being able to prevent him; consequently could have poured troops into the highlands, and have avoided a general action.

Q. Whether the most probable motive to have obliged General Washington to come to a general engagement was not the preservation of Philadelphia? I mean, was there any other probable object that would have drawn General Washington to an engagement?

A. I don't think there was any one object which could have tempted General Washington to risque a general action so much as the fear of losing the capital of Pensylvania.

Q. Was there any probability of bringing the war in America to a termination that campaign, without forcing General Washington to a general engagement?

A. Certainly not.

Q. Do you see at present any greater probability of terminating the war in America with the present force than there has been in the preceding campaigns?

A. I think the House has a right to the opinion of every general officer that has served in America, therefore I shall be free to give mine to this question. I think that with the present force in America, there can be no expectation of ending the war by force of arms.

Q. Do you mean to include the recruits going out, in the words "present force?"

A. I am not acquainted with the force going out.

Q. At what time was General Washington's army the most numerous while you was in America?

A. I

A. I believe, from information I have had, they were as strong at Middle Brook and Brandywine as they were at any other time during my being there.

Q. How strong was the American army at Brandywine?

A. I suppose it to be then about fifteen or sixteen thousand regulars, besides militia.

Q. When you compute the number of General Washington's army, do you mean only the rank and file fit for duty, or the officers and all other constituent parts of it?

A. I firmly believe they had fifteen thousand men under arms.

Q. How many was the army of General Washington at Monmouth Court House.

A. Washington's army was never up at the battle of Monmouth Court House?

Q. How many had he in arms at that time under his command?

A. We understood he had about fourteen thousand men at that time.

Q. When did you leave America?

A. About the 28th of November last.

Q. What number of men was Washington supposed to have at the latest accounts before your departure?

A. I cannot positively answer that question, he had made so many detachments from his army.

Q. What number of provincials were in our service at the time you left New York?

A. They were called, with some additional corps that Sir Henry Clinton had just embodied, about six thousand men, but they were not compleat.

Q. What number of men was Washington supposed to have with him during the winter he was encamped at Valley Forge.

A. I suppose about ten thousand men;—at that seaon of the year they generally allow them to go home for a time.

Q. If Sir William Howe had not drawn off General Washington cross the Delaware to Philadelphia, whether General Washington's army would not then have been at liberty to have opposed Sir William Howe's march up the Noth River?

A. If Sir William Howe had gone up the North River, General Washington certainly would not have gone over the Delaware.

Q. Whether the country up the North River is not full as strong a country to defend as the Pass of the Brandywine?

A. I can answer positively to where I have been, but I never was up the North River.

Q. Is it not supposed by your general knowledge of the country, that it is fuller of strong passes?

A. I have always heard of that country being a strong country, but I know the other to be so.

Q. How far is it from New York to Albany?

A. About 150 miles or better.

Q. Whether, during the march of 150 miles, if General Washington's whole army had been opposed to Sir William Howe's army, he would not have found great difficulty in getting up?

A. I have answered that before.

Q. If the operation of our army had been directed up the North River, should we not have had the advantage of frigates and sloops on the river?

A. The distance I have said was 150 miles to Albany. Sir William Howe must have been in possession of both sides of the North River to have been able to have supplied his army with provisions by water.

Q. Would not that line of frigates and sloops have cut off the communication of the enemy from the east to the west side of the river, and covered the flank of an army as it advanced?

A. Both sides of the river must have been completely conquered before frigates and sloops could have attended the army on their march.

Q. Whether he considers the comparison of the numbers and strength of General Washington's army with ours to be the proper means of estimating the probability of conquering America?

A. I am very sorry to say, that I think there can be no hopes of conquering America, or of being a match for General Washington's force of arms, with the present force we have there.

Q. On a supposition that we had a greater army in America than General Washington's army, would then the reduction of America be probable?

A. If we had an army equal, or a little superior there, it would by no means end the contest in favour of Great Britain.

Q. Is

Q. Is it your opinion then, that if we had a very superior army there, yet still there are circumstances in that country, of the unanimity of the inhabitants, and of the nature of the country, which would make the reduction of that country very uncertain?

A. I think now exceedingly so.

Q. Whether it is your opinion that the force employed in America, in 1777, was adequate to the reduction of America in that campaign?

A. I have given my opinion hitherto freely, persuaded that the house had a right to it; I shall also answer this question.—I never saw a British force (including British troops and allies) in America, from the time I went there till I came away, that was by any ways adequate to the purpose of subduing the Americans.

Then the former part of General Grey's evidence being read to him, respecting any degree of lenity having been shewn to the Americans by Sir William Howe, he was asked

Q. Whether he considered that lenity as prejudicial to the cause of Great Britain?

A. By no means prejudicial, but the contrary.

Q. Whether by this lenity he means any extraordinary degree of lenity that would not have been shewn in the country of a foreign enemy?

A. There was no more lenity shewn than in the case of a foreign enemy.

Q. Whether in the present situation of America, it is his opinion that the altering the mode of carrying on the war in that respect, and using modes of severity hitherto forborne, is likely to be attended with advantage to the king's arms?

A. I don't think that any advantage of that sort would now signify.

Q. Is it usual in the mode of carrying on a war in a foreign enemy's country, to evacuate a capital without levying contribution, or doing any injury to the town?

A. In my service in Germany, and in two or three descents on the coast of France, I never knew that mode adopted of devastation. Contributions were certainly raised in Germany. If the honourable gentleman means that that mode is to be followed in America, there was no money to be got.

At

At St. Saveur's, near St. Maloe's, in particular, they kept their shops open, and sold their goods.

Q. Supposing there is no money in a country, are not provisions a mode of contribution that may be levied?

A. Every place we came to was so totally deserted, and the cattle driven off, that is, driven into the woods which the country is covered with, that we got very little but by going into the woods and hunting them there.

Q. Whether driving the cattle and removing the provision might not as well have been done in every other country, if means were not used to obviate it?

A. America differs so much from every other country I ever saw, that I think it impossible to prevent it. I mean driving off the cattle.

Q. Whether any advantage was gained by going to the head of the Elk, that might not have been obtained by landing on the west side of the Delaware?

A. We must have landed very high up in the river, which I looked upon to be impossible, from the very great force the enemy had in gallies, fire-rafts, and fire-ships. If we had landed below Newcastle, the march would have been more difficult, I think, than going by Chesapeak. I might also add that Cecil Court House, opposite to where the troops landed quietly and without any molestation at all, was only sixteen or seventeen miles from Newcastle.

Q. What was the state of desence of Delaware river at the time of sailing from Staten Island?

A. I don't know. There are other gentlemen can answer that question.

Q. Could the army have landed at Newcastle?

A. I don't think they could so easy as at the Elk river—The march would have been full as difficult, and they would have had eight or nine creeks and rivers to pass besides the Schuylkill.

Q. Would it have been difficult to have landed above Newcastle, and how far above?

A. I don't know that it would have been practicable any where above or about Newcastle; the number of boats necesary, and transports to land an army of fourteen or fifteen thousand men, the river full of fire-rafts and fire-ships and gallies, and the strong tides, would have made such an attempt very difficult.

Q. Do you mean that there was no place on the western bank of the Delaware that was not exposed to the difficulties you have mentioned?

A. There

A. There was no place, I think, higher up the river, to make it adviseable to prefer that route to Chesapeak bay.

Q. Was there none on the western bank of the Delaware, where it was practicable?

A. That may include Cape Hinlopen.

Q. How far above Cape Hinlopen?

A. It will save trouble for me to say; but Sir Andrew Hammond, who is ordered to attend, can speak accurately to this point.

Q. Whether Lord Howe did not employ one of the most experienced officers he had in surveying the Delaware, for the purpose of examining whether a landing was practicable, and where in the Delaware?

A. He did.

Q. Whether by taking the route the army did take from Cecil Court House, they did go to the head of all those rivers and creeks, and by that means avoid the passing them?

A. I have fully answered that question by saying, they would have been obliged to pass those rivers, and then have got into the same route they did.

Q. Do you not know that one of the advantages derived from Sir William Howe's going to the southward, was not a considerable augmentation of the provincial corps serving in the King's army, and that many new levies were raised in that province by the inhabitants of Pensylvania?

A. Some were raised, but I can't speak to the numbers.

Q. Have you not understood that General Washington's force was much diminished by his march to the southward?

A. I can't say that it was diminished, but he always seemed to have force enough.

Q. Whether if General Washington had his choice with respect to the direction of Sir William Howe's army, he would have wished him to have gone up the Hudson's river, or to Philadelphia?

A. With the force that Sir William Howe had under his command, I think if General Washington had a wish, it was for him to have gone up the north river.

Q. Was you at Philadelphia when the order was given for the evacuation of it?

A. I was.

Q. What effect did that order produce on the well affected inhabitants?

A. It had the very worst effect, it alienated the minds of many

many from us, and several that had held out till then took oaths to the states on that occasion.

Q. What effect had that order on our own army?

A. It threw an universal damp over the whole.

Q. Did you in the country of an enemy, either Germany or France, ever know an instance of a town being burnt, consisting of 500 houses, in the manner that Falmouth in New England was?

A. I never saw that one instance, where such sort of war was carried into execution, and I hope I never shall.

Q. Whether the depopulating of that country, in order to make it of little use to France, is in your opinion the best method of terminating the difference between Great Britain and America?

A. I think you never can determine the war in that method now; they would not suffer you to do it.

Q. But were you permitted to do it, would it be the best method in your opinion to terminate the quarrel?

A. It would be a very bad way of doing it.

Q. Have any of the King's ministers consulted you about the method of carrying on or terminating the American war?

A. I am not clear with regard to the propriety of answering that question.

Q. Whether the carrying on a war of posts is not very expensive of blood and treasure?

A. No doubt of it.

Q. Does it not make the enemy warlike?

A. No doubt of it.

Q. Do you think it possible for the army in America to carry on any very important operation at a distance from the fleet?

A. I think it is impossible, unless you have a navigable river, and are masters of both sides of the river, with vessels to supply you in carrying the stores.

Q. Have they not easier methods of recruiting their army than we have of ours?

A. I think I have answered that question.

Q. Was there a possibility of getting a sufficient number of provincial troops attached to us, and that we could have trusted them with the defence of Philadelphia, whilst we were carrying on our operations at a distance?

A. By no means.

Q. If General Grant's army were to return to General Clinton, and that a reinforcement of 5000 men going out of the kingdom were safely arrived in North America, whether the

the army then would be adequate for the conquering of that country this campaign?

A. That additional force would be a strong reinforcement, and in some measure enable them to act offensively; but in my opinion very far from being adequate now to ending the unhappy contest.

Q. Whether by what you have seen in America the defeat of the Americans produces dismay, and that they relax in their efforts?

A. The country is such, and a retreat in general so very secure, that a defeat of their army can hardly be decisive.

Q. Have you taken any notice of the stile of expence of our army in that country?

A. The expence must be great, but I cannot speak in particular.

Q. What sort of treatment did the prisoners taken from the royal army meet with from the Americans?

A. I can't speak to that.

Q. Were there large desertions from the German troops?

A. There were desertions, but to no great extent.

Q. Do you know of any of the Germans that deserted and served in the American army?

A. There might be a few, as is usual in all armies.

Q. What distance is it from Newcastle to Cecil-court-house?

A. I think I answered before, sixteen or seventeen miles.

Q. What number of men would be absolutely necessary to reinforce our army in America, in order to give us any probable hope of success to end the war in that country by force of arms?

A. It is a very difficult question to answer, and I am sure I must speak at random if I answer it.

Q. You have said that you think that a superior force in America would not now terminate the war; was there any former period of the war where, if our army had been superior to the Americans, there was any probability of terminating the war by force of arms?

A. My answers hitherto have been confined to the time I was in America, and I would wish to speak only to that time.

Q. At any period while you was there, would there have been such a probability, in case of such superiority?

A. I think that question has been answered by me.

Q. When you speak of the strength of the American army, do you speak of the army immediately under the command of General

General Washington, or the whole force that could be collected together?

A. I mean the whole force in America; the militia are commonly left in the province to which they belong.

Q. Did Sir William Howe consult you on the expedition to Philadelphia?

A. No, he did not.

Q. How do you understand that if Sir William Howe had gone up the north river, General Washington could have come betwixt him and New York, considering the ships and vessels we could have placed in the river?

A. Sir William Howe, to have done any good up the north river, must have marched up many miles, and must have established himself on both sides of that river, otherwise the navigable part of the river could not have been maintained; and that would have weakened his army so much, that General Washington might have attacked him at any time, or rather if he marched too far up the river, Washington might have placed himself between him and New-York, as I said before.

Question repeated. How would Washington have effected that purpose; where would he have crossed the river?

A. He would have crossed the river at King's Ferry, or between that and the highlands any where.

Q. Was it necessary, in your opinion, to preserve the navigation of the river as high as Æsopus, for Sir William Howe to have established forts on both sides of it?

A. It would have been very difficult, if not impossible, to have gone to Æsopus, the forts upon the highlands must have been conquered first, and if General Howe had sat down before those forts, General Washington would certainly have come betwixt him and New-York.

Q. When you said the inhabitants of America were almost unanimous against us, did you mean to speak of the province of Pensylvania?

A. In some part of Pensylvania there appeared to be more friends than in the other parts I was in, but they did not shew their friendship by joining us in arms to take a part.

Q. Did you intermix with the inhabitants of America in any other part than in Pensylvania?

A. In the Jerseys.

Q. Do you mean while the army was retreating in the Jerseys?

A. When the army commenced the campaign in 1777, and while they were retreating.

Q. When you said that the troops which you saw were not sufficient for reducing the revolted colonies in America to their

their obedience to this country, did you mean to confine your evidence merely to the troops under your view, then with Sir William Howe, or did you mean to comprehend the army under General Burgoyne, and all the troops in America?

A. I will answer that question by another answer, that I do not think, from the beginning of June, when I landed at New York, in 1777, to the twentieth of November 1778, there was in that time a number of troops in America altogether adequate to the subduing that country by force of arms.

Q. Supposing General Washington had crossed at King's Ferry, and General Howe had possession of the highlands, with the river for fifty miles above, together with the communication with his boats and shipping, how soon could he have been down to relieve New York, or attack General Washington?

A. I don't think General Howe could have taken the highlands: he must have besieged them in the face of an army superior to himself, and General Washington placing himself in the manner I have before described.

Q. Do the various opinions (not facts) that you have given on American matters this night, respect merely the time when you were in America, or do they comprehend all the time you have been from thence, up to the present minute?

A. I have answered that question several times.

Q. What effect did the conciliatory propositions sent out by the commissioners last year produce on the minds of the Americans?

A. I had rather decline answering that question, as it does not relate to my own profession.

Q. In what part of America have you been?

A. In the Jerseys, and from the head of the Elk to Philadelphia. I spoke to that part of the country I have been in.

Q. How far does the King's authority extend in the province of New-York.

A. At present no further than York Island and its dependence, Staten Island and Long-Island.

Q. Were our forces double to what they are, could the Americans bring a sufficient force to oppose them?

A. I expressed my difficulty before in answering the question about the number of troops necessary to conquer America.

Q. When you talked of the Americans continuing the war, did you include in your former consideration the ability of the Americans with respect to their finances?

A. I considered the country that I saw and the troops, and that our army was not adequate to the conquest.

Q. When the army marched from the head of the Elk to Philadelphia,

Philadelphia, was the communication kept up, or broke off betwixt the army and the shipping?

A. I never looked on it that the communication was cut off, and in case of a misfortune we could have recovered it at any time. [*Withdrew.*

May 7.

Sir Grey Cooper presented a bill to explain and amend the act laying a tax upon dwelling-houses.

The house went into a committee on the bill laying a tax upon post-horses. Every owner or letter of post-horses to take out a licence of five shillings, and to receive a certain number of stamped tickets, one of which is to be delivered to the traveller, on hiring the horse; the letter of such horses to account for the decrease of tickets, by shewing to the collector, when called upon, the number at first received, and paying for those he cannot produce.

Lord *North* said, the reason for adopting this mode was, that if there was to be no check on the livery-stable keeper, inn-keeper, or other persons letting horses to hire, the travellers might forget to take their tickets after paying the tax, and the money consequently go into the pocket of the letter of the horses. Upon this accout, likewise, the turnpike-men have authority to stop every person riding with hired horses, call for their tickets, and oblige them to pay, if they cannot produce a stamped ticket; the traveller, therefore, for his own sake, will take care to pay the tax to the stable-keeper with the one hand, and receive the ticket with the other, lest, through forgetfulness, he should be obliged to pay twice.

By the bill the turnpike-men are to be rewarded with one and a half *per cent.* to make them attentive; the travellers and turnpike-man, by this means, become a check on the livery-stable keeper.

The licence of five shillings, to be taken out by the proprietor of horses, was objected to by Sir *George Yonge*, upon an idea that it would be grievous to the publicans, who were already sufficiently loaded with taxes; that it might lay a foundation for a still greater tax in future; and that, in all probability, in the space of three years, the five shillings might be changed into five pounds.

In answer to this, it was observed, by Sir *Grey Cooper*, that as the tax was laid by a resolution in the committee of ways and means, and as the revenue arising from it was included in the general calculation of the tax, it could not now be struck

out, without prejudicing the revenue, and making it necessary to fill up the deficiency by some other tax.

It was then debated, for a short time, to reduce the licence of five shillings to two shillings and six-pence; but, upon a division, it carried in favour of five shillings, 55 to 19.

After the above was settled, Mr. *Dempster* begged to know if the turnpike-keepers would be authorised to stop a gentleman travelling with his own horses, on the supposition of their being hired horses, and detain him until the dispute should be settled?

In answer, Lord *North* said, that the turnpike-men were well acquainted with all the post-chaises, postillions, and hired horses on the road; and therefore no mistake or stoppage could arise.

Sir *George Yonge* then observed, that these men must be blessed with a degree of intuition, as well as experimental knowledge, to ascertain every chaise and every post-boy on the road.

The *Attorney-General* [Mr. Wedderburne] replied, that the turnpike-men would have no right to stop any persons but those that came immediately under the act.

It was then proposed by some members that the post-boys should wear labels, whilst others thought if they were to be marked on the face, it would be more visible to the men at the different gates.

The House soon went through the several clauses, and then adjourned to the 10th.

May 10.

The House heard counsel in support of the petition of Mr. Carnan [See the petition, page 351, Vol. X.] When the counsel were withdrawn, the question was put for committing the bill, and the House divided, for the bill 40, against it 60.

May 11.

The house in committee on the American correspondence. F. Montague, Esq. in the chair.

Sir *Andrew Snape Hammond* called in, and examined by Sir William and Lord Howe.

Q. Did you serve in the squadron under the command of Lord Howe in North America in 1777?

A. I did;-I commanded a detached squadron on the coast of Delaware and Virginia for a year and a half, except at some intervals prior to that period.

Q. Had you been employed in the command of a detachment of frigates, to watch the motions of the rebels on the

Delaware, for several months antecedent to the arrival of the British fleet off the entrance of that river, on the 30th of July 1777?

A. I was employed on that service for several months before.

Q. Of what number of ships and vessels do you reckon that fleet consisted—I mean the British fleet, which arrived off the Delaware?

A. Of 250 sail.

Q. Was the navigation of the Delaware very intricate and hazardous, especially from the shoals and rapidity of the tides?

A. It certainly is. I don't know any river so difficult of navigation.

Q. Was it more particularly so for the expeditious passage of large ships of war?

A. Large ships of war can only pass certain places at particular times of tide.

Q. What was your report to Lord Howe, on the 30th of July, of the position of the enemy on the banks of the Delaware?

A. The report which I recollect I made to Lord Howe on that day was, that I had received intelligence the day before that General Washington had crossed the Delaware, and was marching down to Wilmington from Philadelphia.

Q. What did you understand to be the nature of the Pensylvania shore, with respect to an easy communication with the interior parts of the country, up to Reedy-Island?

A. The coast of Delaware, from Cape Hinlopen, all the way up to Reedy-Island, is marshy low land, very full of creeks, and communicates to the upland only by causeways.

Q. What was the nature of the shore on the same side from Reedy-Island to Newcastle?

A. In some places marshy, in others some tolerable landing places.

Q. What extent of anchorage do you suppose the fleet would occupy in any part of the navigable channel of the Delaware from Reedy-Island up to Chester?

A. The main channel of the river is so narrow, til you pass Wilmington, or rather till you pass Newcastle, that I conclude it would require at least four miles, if not more.

Q. At what distance must the ships and vessels lie from the shore in such anchorage?

A. Within

A. Within gun-shot on both sides; within cannon-shot in all places, and within musquet-shot in some.

Q. How many miles an hour do the tides run in the Delaware?

A. Between three and four.

Q. What did you understand to be the water-guard which the rebels had provided to obstruct the free navigation of the river—I mean the whole force on the river?

A. There were two frigates at Philadelphia, not complete as to men; at Mud-Island, where the fort was, there was a ship called the Province-ship, which mounted eighteen 18-pounders; the Delaware frigate, of twenty-eight 12-pounders; two xebecks, mounting each two 24-pounders in their bow, two 18-pounders in their stern, and four 9-pounders in their waist; a brig mounting sixteen 6-pounders; two floating batteries, the one of twelve 18-pounders, the other of ten; these guns were moveable on either side; thirteen row-gallies, each carrying one gun, from 32 pounds to 18; thirty-six row-boats, or half-gallies, carrying a 6-pounder or a 4-pounder—I believe that was all, except fire-rafts, of which there were twenty-five or thirty, each composed of five stages chained together.

Q. Did it appear afterwards that your report of that water-guard was well-founded?

A. It did; I saw them all myself.

Q. Whether the proper boats of the ships of war were of a construction and force well adapted to oppose their water-guard on night-service?

A. Certainly not.

Q. Whether the small armed-vessels of the fleet were adequate to that purpose, the Cornwallis galley excepted?

A. By no means.

[*Examined by other members of the committee.*]

Q. What is the nature of the shore above Reedy-Island and below Wilmington, with respect to the flatness of the country, and the ease of covering a landing by the ships?

A. I have before said, that the shore between Reedy-Island and Newcastle is marshy in some places, and that there are landing places in parts of it—above Newcastle, as far as Wilmington creek, it is an entire marsh.

Q. Could the army have landed either at Newcastle or upon any parts of the western shore of the Delaware, between Newcastle and Reedy-Island?

A. An army can land any where, where there is no opposition.

Q. Do you believe that the situation of the rebels was such, that they could have made such an opposition as to prevent our troops landing, assisted as the troops could have been by the fleet at the time of your report?

A. That is a question impossible for me to answer, unless I knew the force that was likely to oppose them.

Q. What do you believe that force to have been?

A. The intelligence I received was, that General Washington was in that country with his whole army.

Q. In what part of the country?

A. My intelligence mentioned Wilmington.

Q. Whether, in the situation of Wilmington with respect to Newcastle, troops posted at Wilmington could have been used to prevent a landing at Newcastle, or below Newcastle?

A. I conceive the rebel army would have marched to the spot where the British troops meant to land: I don't suppose the rebel army were meant to remain posted at Wilmington.

Q. Whether you believe the rebel troops could have kept possession of Newcastle, if they had marched there?

A. That question can only be answered by a land officer.

Q. Do you now believe that the rebel troops were at or near Wilmington?

A. By the works I saw at Wilmington, I have reason to think that the rebel army was there at that time, the 30th of July.

Q. Do you know that a great western road leads from Newcastle to the head of the Elk?

A. I have heard so.

Q. Do you see any reason to have prevented the rebel troops from marching to the head of the Elk, in the same manner as you suppose they might have marched from Newcastle to Wilmington?

A. I have very little knowledge of the marching of armies.

Q. How far is it from Newcastle to the head of the Elk?

A. It is called by the map seventeen miles.

Q. How far is it by sea from Cape Hinlopen to the head of the Elk?

A. About 350 miles.

Q. Are there not many difficulties in the navigation to the head of the Elk?

A. There

A. There are some difficulties; but the navigation of the Chesapeak is exceedingly easy in general.

Q. What is the distance between Reedy-Island and Newcastle?

A. Five or six miles.

Q. Might not the fleet have lain below Reedy-Island in safety, within a small distance of Reedy-Island?

A. There is no part of the Delaware, between the shoals, where they could have lain, without being exposed to the fire-rafts.

Q. Whether the fleet, on returning to the Delaware, was not necessarily exposed to the fire-rafts?

A. When the fleet returned from the Chesapeak, they came in detachments, and we were in possession of the lower *chevaux de frize* of the enemy.

Q. How far was the lower *chevaux de frize* from Reedy-Island?

A. About eighteen or twenty miles.

Q. Might not the fleet have gone up in detachments on the 30th of July and the beginning of August?

A. That depends on the mode the commanding-officer chooses to conduct them in.

Q. When you made the report on board the Eagle on the 30th of July, whether you mentioned the intelligence respecting Wilmington as a reason to induce the commander in chief not to proceed up the Delaware?

A. I had no other inducement than to do my duty, and to relate particularly to the commanding-officer every intelligence I had received.

Q. Was there any other intelligence given at the same time?

A. I don't recollect any.

Q. What do you conceive to be the reason that the commander in chief went to Chesapeak instead of the Delaware?

A. As no public reasons were given to me, I hope the House will not think me wanting in respect to them, if I decline saying what the substance of the private communication was.

Q. What is the width of the river opposite to Newcastle?

A. The breadth of the river immediately opposite Newcastle is about three miles.

Q. What is the breadth of the navigable channel in that place?

A. About two miles there, and below considerably narrower.

Q. What width in the narrowest parts below between the Pickpat shoals and Fort Penn?

A. Not above half a mile from one shoal to another in the narrowest part.

Q. How many days, from the 30th of July, does he suppose it would have taken the fleet to have come to anchor off Reedy-Island in a disposition fit for landing the troops?

A. As it would depend entirely on the wind, it is impossible to answer that directly; but I should suppose not less than four or five days.

Q. Suppose the wind fair?

A. With a fair wind, in three or four days.

Q. With the whole fleet, ships of war, and transports?

A. I have before said, the ships of war can pass particular shoals only at particular times of the tide.

Q. Do you apprehend that the enemy's water-force would have been the greatest impediment to our landing troops above Reedy-Island?

A. Yes, I do—the row-gallies in particular are constructed to go in very shoal water? they would lie on the flats of the river where the ships' guns could not be brought to bear on them.

Q. Whether the ships' guns could not be brought to bear on the Bite of Newcastle?

A. Certainly they could.

Q. Do you know the river St. Lawrence, and how many knots it runs on the ebb tide?

A. I never was there.

Q. Have you not been informed, by good accounts, how many knots it runs?

A. I have heard the tide is rapid there; but I never knew with certainty at what rate.

Q. Do you understand the river St. Lawrence runs as rapidly as the Delaware?

A. I can speak with no certainty.

Q. Do you know at what rate the Humber runs on ebb tide?

A. I do not.

Q. Do you know the Severn?

A. I do not.

Q. Will you say that a tide running three knots and a half an hour is a rapid tide?

A. I

A. I think it is a very rapid tide.

Q. Have you not heard that the river St. Lawrence runs ten knots an hour?

A. I never did.

Q. Whether the rapidity of the tide, and the breadth of the river, do not both of them make a great difference in the effects of the fire-rafts?

A. I conceive the stronger a tide runs, the danger from fire-rafts is greater, if the channel is the same.

Q. Whether the fire-rafts would not have floated over any part of that breadth of three miles, at high water, or at three quarters tide?

A. They certainly would float on every part of the river opposite to Newcastle; but as they were directed by the gallies, it is to be conceived that they would only be used in the channel.

Q. Having said, that the frigates could come near enough to fire upon Newcastle-Bite, if the landing of the troops had been attempted within side of the frigates, and the frigates ranged round to protect them, whether the enemy's gallies would have ventured within fire of the frigates?

A. The enemy's water force was constructed to fire in the stream of the tide. The tide run too rapid for ships of war to ride with springs upon their cables. I had before found the gallies very troublesome, and very little in my power to annoy them; and therefore do conceive, as they had increased their force from the time I had been last up the river, they certainly would not have been idle on so important an occasion to themselves.

Q. Did the gallies ever venture within fair reach of your guns, so as to engage.

A. Yes, within point blank-shot.

Q. Did they hold any engagement with you?

A. They had two engagements with me, the one five hours, and the other six, on two different days.

Q. When was that?

A. The 7th and 8th of May 1776.

Q. Were they only gallies, or were there frigates with them?

A. Only thirteen gallies, attended by fire-ships.

Q. What execution did they do on board your ship?

A. They killed two men and wounded six, and damaged the mast very materially, and rendered all the sails useless.

Q. Was that in the two days engagements of eleven hours?

A. Yes, I have spoken to that time.

Q. What force had you then?

A. The Roebuck of 44 guns, Liverpool of 28 guns, and two armed tenders.

Q. Was that the damage done on board all the vessels, or to your own only?

A. What I mentioned before was only in the Roebuck.

Q. What was the damage with regard to the other ships?

A. The Liverpool suffered in her masts and sails; several men were wounded, but I don't recollect any were killed.

Q. How many frigates had Lord Howe on the 30th of July?

A. To the best of my recollection, three. In the Delaware with the Roebuck there were three more.

Q. How many fifty-gun ships?

A. I think two.

Q. Do you know what damage you did to the gallies?

A. I never heard distinctly; but I believe not a great deal? they were such small objects, it was very difficult to strike them with cannon-shot.

Q. Could the gallies have effected their purpose of employing the fire-rafts with effect, without coming within fair gun-shot of the frigates?

A. When the rebels burnt any fire-rafts, the rebels gallies never quitted them until they were within half gun-shot.

Q. What ships to your knowledge did the rebels ever attack with fire-rafts, and with what effect?

A. They attacked the squadron under my command several times with fire-rafts; the first time off Chester, where the channel is not above one third of a mile wide; the ships were employed in taking men on board, when the enemy came down with the fire-rafts, they came within half gun-shot before they lighted the fire-rafts, at the same time they discharged their guns from the gallies; the tide run very strong, the ships were obliged to slip their cables, to prevent the fire rafts being on board them, and to give the boats an opportunity to tow the fire-rafts off, when the ships cast, their guns reached the gallies, which drove off the gallies, and permitted the boats to tow the fire-rafts on shore. The ships at this time run a great risque of running a ground, but fortunately escaped.

Q. Did you not say that this happened where the river was only one third of a mile wide, and that at Newcastle there is a two-mile-wide navigable channel?

A. Yes,

A. Yes, I did. What I mentioned happened off Chester, where there is an island that lies directly off, from which a shoal extends, so as to reduce the channel within one third of a mile.

Q. Do you know of an instance of any fire-raft laying hold of one of our ships and setting it on fire?

A. I do not. The precautions that were taken prevented it.

Q. Might not the noble admiral's skill and precaution have equally prevented it at Newcastle, if the fleet had proceeded there after the 30th of July?

A. If the fleet had all arrived off Wilmington, I do conceive it would then have been so capital an object to the enemy, that they would have employed all their force in the night to have effected such a purpose; and if they had done so, and conducted their expedition with any spirit, they must certainly have put the fleet into very great confusion, as we had no boats whatever of a nature sufficient to have withstood their thirty-six row boats and thirteen gallies.

Q. If the frigates had been placed on the outside, round the vessels landing the troops, how would the gallies and row boats have passed the frigates, or how would they have ventured to pass them in your opinion?

A. As the enemy possessed both shores, I think it exceedingly possible for the gallies to have passed within the frigates, and towed their fire-rafts down to the fleet.

Q. The river being stated to be three miles broad, what assistance could the rebels, from being in possession of the east shore, be able to give to the gallies and row boats coming down close along the west shore, at three miles distance, as they must necessarily have done, to molest our troops on their landing?

A. The gallies would require no assistance from the shore; they could come to any point, and lay in shoal water until they had effected their purpose, and then have run into any creek above or below, as it would suit their purpose.

Q. Whether the shoal water does not lie to the eastward of the channel in which our ships would have laid to have covered the landing of the troops?

A. There is shoal water on each side in every part, except at the town of Newcastle.

Q. There being then no shoal water at the town of Newcastle, whether the gallies coming down and getting into shoal water to the eastward of the channel, could have prevented

vented our troops landing, by directing the fire-rafts against them, or otherwise?

A. I don't apprehend the gallies would have laid on the east side; in case of any landing at Newcastle, they would have employed themselves to have opposed the landing on the west shore.

Q. Would the gallies then have had any advantage from shoal water?

A. They would. I have only said there is no shoal at the town of Newcastle; above and below there is shoal water.

Q. Could the gallies have laid any where on the west shore within our frigates to have done any service, without being fully exposed to the fire of our frigates?

A. Yes, I think they could. There are so many little inlets and creeks, both above and below Newcastle, that the gallies could place themselves in, and, from the lowness of the marsh, do execution with their guns, when the frigates could see nothing but their masts.

Q. Could not the fire of the frigates fairly reach the shore?

A. I have declared that it is only a gun-shot from shore to shore, except just above Newcastle.

Q. How near could a thirty-six gun frigate lie to the shore opposite Newcastle?

A. Along side of the wharf.

Q. How near could a fifty-gun ship lie?

A. Within a very little as near.

Q. Whether you know, previous to the 30th of July, any one battery of the enemy mounted along the river below Billingsport?

A. No, I did not.

Q. Did you know of any body of troops stationed at any place along the western sides of the river?

A. I have said, that I received information that General Washington was there with his army.

Q. Whether your intelligence went so far as to say, that General Washington, or any part of his army, were arrived so far as Wilmington?

A. The intelligence I received was from persons who had never deceived me, therefore I had every reason to suppose it was true. The intelligence I gave to the admiral was, that General Washington had crossed the Delaware with his army, and was gone to take post at Wilmington.

Q. Had the enemy any water guard, or any defences afloat,

float, or defences on shore, in Chesapeak-Bay, when the fleet went up?

A. None.

Q. Had the rebels any troops posted on the shore?

A. None that I heard of.

Q. What is the breadth of the navigable channel of the Delaware at Newcastle?

A. Nearly two miles.

Q. Suppose a landing attempted at Newcastle; when part of the troops were landed, some in boats, and some on board, the row gallies had obliged the ships to slip their cables, to avoid the fire-rafts, or had otherwise by those fire-rafts disarranged the fleet, what might have been the consequence in that situation?

A. I conceive it would have been attended with the worst of consequences; in so narrow a channel as that, it would not have been possible for the fleet to have got under sail in the night-time.

Q. Would it not have exposed that part of the troops which were landed to be cut off?

A. That would depend on the force to oppose them.

Q. Whether, though batteries are not erected, it is not in the power of an enemy in force, and provided with cannon, to bring them to bear, so as greatly to annoy ships in a river?

A. It certainly is.

Q. Whether you would take on yourself, considering all the circumstances that came within your observation, to advise the Delaware as an eligible place for landing an army, considering the force on shore, and the quantity and kind of force that was on the river?

A. I have always been of opinion, that the landing an army in the face of an enemy was always to be avoided, if the service can be effected by any other means.

Q. Was there any thing particular in the circumstances of things in the Delaware at that time, which could make an exception from that general rule in favour of landing?

A. None that I saw,

Q. Whether, independent of the intelligence you had received concerning General Washington's army, you had heard of any other troops being on the western side of the Delaware at that time?

A. I know of the militia belonging to each county being stationed there; and there was no part from Cedar-Creek to Reedy-

Reedy-Island that a boat could land at, without a body of armed men coming down to oppose them.

Q. Had you any intelligence of the number of which the militia consisted on the western side of the Delaware at that time?

A. The regiments of militia in each county were generally reckoned at four or five hundred men; there was a brigadier-general of the name of Rodney who had the command of them.

Q. Whether by *the militia* you mean the militia of the lower counties on the Delaware?

A. Yes, I do.

Q. What is the distance from Cape Hinlopen to Cape Charles, at the mouth of Chesapeak-Bay?

A. Between 140 and 150 miles.

Q. Did you give your advice and opinion to Lord Howe, on the 30th of July, to leave the Delaware, and go by Chesapeak-Bay?

A. As I was never publicly consulted, I never gave any public advice.

Q. Whether the various obstructions you have stated to prevent the army from landing in the Delaware, and the fleet proceeding up the river, were not known before Lord Howe arrived off the mouth of the Delaware, all except General Washington's army being on the march towards Wilmington?

A. I never informed the admiral of the nature of those obstructions. Whether he knew them from any other quarter, I can't say.

Q. Might not the admiral have been fully informed on that subject before he sailed from New-York?

A. He certainly might, and I should rather suppose he was.

Q. How long did the fleet delay their course off the Delaware?

A. Not two hours.

Q. How was the wind then?

A. Northerly: the wind was southerly some time before; the north wind just then sprung up.

Q. How long did the wind continue at north?

A. Till that evening and no longer.

Q. Which are the winds that generally prevail on that coast towards the latter end of July?

A. The

A. The south wind prevails; but frequently the west and north west, particularly in the night time.

Q. When you spoke of the damage like to be done by the fire rafts, did you not mean to confine yourself to their operation in the night?

A. Yes, I did: but as the enemy was also provided with fire ships, I conceive those might have been used also in the day time with as much effect against a fleet at anchor, as the fire rafts might have been in the night.

Q. Do you think, with the wind southerly, the enemy could have given any obstruction to the fleet, sufficient to impede its course before it came to Reedy-Island?

A. I conceive not, if we had been certain that the southerly winds would have lasted. I should observe, that the southerly winds blow only in the day time, and the northerly winds prevail in the night time.

Q. How many hours sail is it from Reedy-Island to Newcastle, with a fair wind and flowing tide?

A. With a single ship, not above an hour's: but with a fleet, it is a very different thing.

Q. Supposing the ships had run up to Newcastle with a southerly wind and a flowing tide in the day time, was it possible for either fire ships, fire rafts, or gallies, to have disturbed them, or prevented their landing troops, if there had been no resistance by an enemy on the shore?

A. I conceive if the fleet had gone up the Delaware, the rebels would naturally have brought their water force down to the fleet, that if the fleet had got under way, with that opportunity that the honourable gentleman has stated, they would naturally have gone before the fleet, and when they stopped in order to land the troops, the gallies would naturally have taken their position.

Q. Then all the obstructions which you conceive might have been made, would have been from the gallies, and not from the fire ships or fire rafts—Is that your meaning?

A. The fire ships and fire rafts could not have acted under the circumstances of a fair wind and flowing tide.

Q. Is it your opinion, that any number of gallies off Newcastle, which you admit to be so steep to the shore, that a frigate could come to the wharf, and a fifty-gun ship almost as near, could have given any serious obstruction to the landing of any army at that place?

A. I never pretended to deny the practicability of landing

an army in the Delaware. I have only spoken to the expediency of it.

Q. Do you know what depth of water there is in the narrows in the Delaware?

A. The narrows is a strait between two shoals, in which there is deep water, not less than six or seven fathom, but it is extremely narrow.

Q. What depth of water is there in the flats above?

A. On the flats of Morris Liston's, which are the worst flats in the river, at high water there is only twenty-five feet or twenty-six feet, that is quite at high water.

Q. Do you know the north, or Hudson's river?

A. No farther than Havershaw-Bay.

Q. Do you know the King's ferry?

A. No.

Q. What depth of water is there at Morris Liston's at low water?

A. The tide rises and falls about eight feet.

Q. Did you understand that on the 30th of July the enemy had a corps of troops at Wilmington?

A. I was so informed.

Q. Was you informed what was the communication from Newcastle to the interior part of the country, to the head of the Elk?

A. It has the Christine river on its right, which runs up at least ten or twelve miles before it is fordable.

Q. Is Newcastle situated on a peninsula?

A. I am not very well acquainted with the lower parts of its situation; it has George's river on its left, but at some distance.

Q. Whether, from the superiority of metal of the rebel vessels in the Delaware, they could not have stationed themselves in such a manner as to have annoyed any frigates, even with the assistance of a fifty-gun ship, that might have been destined to cover the landing of any body of troops, without being hurt by those ships with any probable effect?

A. I think, if they had had time and opportunity to have placed them, they could have made the landing very difficult.

Q. Do you know how far it is from Newcastle to Cecil Court House?

A. About seventeen miles.

Q. Whether, in the march from Newcastle to Cecil Court House,

House, it would have been necessary to ford the Christine, or any other river whatever?

A. I have no knowledge of the interior part of that country but from the map.

Q. In what part of the Delaware was the water force of the rebels on the 30th of July?

A. Part at Reedy-Island, and part at Mud-Island.

Q. What part was at Reedy-Island?

A. The brig galley, the schooner galley, and several of the latteen gallies, and several of their row boats.

Q. What part was at Mud-Island?

A. All the remaining part of the force.

Q. What is the distance from Mud-Island to Reedy-Island?

A. Twenty five or twenty-six miles in the course of the river.

Q. How high in the Delaware can a sixty-four-gun ship go?

A. If there had been no obstructions in the river, a sixty-four-gun ship might be carried to Philadelphia at high-water.

Q. Where does the first obstruction begin in the river?

A. At Billingsport.

Q. How far is Billingsport above Newcastle?

A. About twenty miles.

Q. Whether a sixty-four-gun ship can safely lay a good way above Newcastle at all times of tide?

A. A sixty-four-gun ship can at all times lie as high as Chester.

Q. Must not the fleet have anchored every night in their way up the Delaware?

A. Certainly; it would not have been practicable to have kept under sail.

Q. How many seamen were necessary for manning the flat boats for landing the army?

A. I don't recollect how many, but I know when the flat boats were manned, we had but very few men left on board the ships.

Q. Whether the seamen for manning the flat boats must not be taken from the line of battle ships?

A. That was the usual method practised, in order to make the frigates useful.

Q. What number of boats were prepared for the landing?

A. To the best of my recollection, seventy-nine.

Q. Would

Q. Would they not have taken upwards of 800 seamen to have manned them properly?

A. They were usually manned with twelve men, a cock-swain and an officer each.

Q. Whether, when you stated that the first obstruction in the Delaware was at Billingsport, you intended to have it understood, that no obstruction might be given to the course of the fleet, or the landing of the army, at any place on the shore below Billingsport?

A. When I mentioned the first obstruction being at Billingsport, I meant only as to the *chevaux de frize*, which the enemy had stopped the channel with under water.

Q. Did you mean to say, that no army at land, no batteries erected on the land, below that *chevaux de frize*, would have been an obstruction to the fleet coming up the Delaware?

A. If the fleet had proceeded up the river, they would have gone for many miles through a channel where it was only short gun-shot in many places from side to side; it is therefore not to be presumed, that the enemy would have lost the opportunity of annoying the fleet from every advantageous point.

Q. Does this answer relate to the river above, or at and below Newcastle?

A. It relates principally to the parts above Newcastle, but also to some parts below.

Q. Whether the fleet, in going up the Chesapeak-Bay, were not obliged to cast anchor every night, even though there was no obstruction from the enemy?

A. They were. It is not possible in so narrow a navigation for the fleet to continue under sail during the night.

Q. Whether, in consequence of these difficulties in Chesapeak-Bay, the troops were not landed a month later than they would have been at Newcastle, if a landing could have been effected there?

A. I do not conceive that a fleet being obliged to lie at anchor in the night can be considered a difficulty: the army was certainly landed later by about three weeks than they might have been by going up the Delaware, but it happened to be a very uncommon and unusual passage. When the fleet left the mouth of the Delaware, the wind was northerly, and there was great reason to expect that the fleet would have got to the head of Chesapeak-Bay in less than a week. It happened otherwise, on account of the south winds setting in,

in, which was attended with such uncommon hot weather, that if the troops had been on shore at that time they must have suffered exceedingly.

Q. How far was the fleet advanced from the mouth of the Delaware when they met the southerly winds?

A. About ten leagues.

Q. What number of soldiers did each boat take for landing, besides the seamen to conduct it?

A. That depends on the distance they have to go, and the opportunity they have for landing. In smooth water, and to go a short way, they might carry about forty-five men.

Q. At how many turns would the seventy-nine boats have landed the whole army?

A. That depends totally on the distance they have to go. It is a matter of calculation. I don't know how many troops they had to land.

Q. What way do you conceive a fleet of men of war and transports could make against a tide of three knots and a half an hour, with an unfavourable wind, but such as would permit them to lie their course, supposing moderate weather?

A. The channel in the Delaware is so extremely narrow amongst the shoals, that unless the wind had been fair, the progress of the fleet must have been very slow indeed.

Q. You will answer the same question, but supposing the wind to be a-head, or so near a-head that they would be obliged to make way by turning or tacking, still supposing moderate weather, and this too in the Delaware?

A. With the wind and tide contrary, the fleet could make no way at all, but must lie at anchor.

Q. Have you not had much experience in the Delaware?

A. I was a long time there.

Q. How long did you ever know a single ship detained from going up the river in the months of July or August after she got within the capes?

A. About three days, between the capes and Reedy-Island. I am speaking of a single ship, and not of a fleet.

Q. Did not the transports furnish seamen to man the boats for landing the troops?

A. When the transports were in a state of security they frequently did, but not when they were to move; they were then not able, from their complement of men.

Q. How many days did the wind stand to the southward after you left the Delaware?

A. The wind was variable, there were frequent calms which delayed the fleet.

Q. Was the wind in general a north or south wind?

A. In general southerly.

Q. Was not that a fair wind to carry the fleet to Newcastle?

A. If they had been in the Delaware, it would certainly.

Q. In how many tides would the fleet have gone to Newcastle from the capes with that wind?

A. It is impossible to answer that question. It depends on circumstances. The fleet was very ill provided with pilots, there were only eight or nine pilots to 250 sail.

Q. As the winds and tides then were, all circumstances considered, how soon do you think the fleet might have reached Newcastle?

A. If I could be assured the fleet would keep in the right channel, and no accident at all would happen, I could then be able to answer that question.

Q. Was not your ship stationed the foremost towards Brooklyn Ferry, the 27th and 28th of August 1776.

A. My ship was employed with others on that service.

Q. Was not your ship or any other so stationed as to have the view of Brooklyn Ferry open so as necessarily to see the boats pass backwards and forwards between Brooklyn and New-York?

A. My ship was not, nor any other.

Q. Whether in passing up the Chesapeak or Delaware the ships and transports were not necessarily obliged to keep very much together in sailing through narrow channels?

A. The transports were necessarily obliged to keep close to the men of war and also close to each other, in order to prevent getting aground, and the few pilots could only be distributed to the men of war.

Q. If when the transports were in that confined situation by change of wind (the tide ceasing) they should be obliged to anchor, would it not be necessary they should separate considerably from each other, to prevent their falling on board each other?

A. The ships would certainly do so, as much as they could.

Q. How long would it have taken the rebels to have brought their water force at Mud-Island down to Reedy-Island?

A. In one ebb-tide

Q. How long does the flood and ebb-tide run in the Delaware?

A. Ebb runs about seven hours, and flood about five hours.

Q. Supposing the wind, which was northerly when the fleet quitted the mouth of the Delaware, had continued in that quarter,

quarter, how long would it have taken that fleet to have got up to Newcastle?

A. The fleet would not have got to Newcastle in ten days with a north wind.

Q. How long could a great ship get up from Reedy-Island to Newcastle, before it was high-water?

A. Supposing the ship to have been at anchor at Reedy-Island, I conceive, if the weather had been moderate, and they had met with no accident, they might have reached Newcastle an hour before high water.

Q. How many ships could have anchored at Newcastle, where you have said the water was so deep, close to the shore?

A. I don't exactly know, but several might have anchored there.

Q. What proportion of the fleet of 250 sail?

A. A very small part.

Q. Must not the rest have anchored some miles both above and below it?

A. Certainly they must. I don't conceive that fleet could have been anchored in less than four or five miles of ground.

Q. Would they not then, as soon as the ebb tide made, been open to the attack of the enemy's gallies, fire ships, and fire rafts, notwithstanding the frigates that were supposed to be placed opposite the town of Newcastle?

A. They certainly would, and I don't believe the enemy would have lost the opportunity.

Q. Could any ship have been stationed to open Brooklyn Ferry, so as to observe the boats pass and repass to and from New York?

A. I think not, without being exposed to the batteries of the enemy.

Q. Whether, informed as you was of the navigation of the Chesapeak Bay, and the navigation of the Delaware, with the water defence that you understood to have been prepared for that route, had you commanded the fleet of 250 sail, would you have preferred going up the Delaware to going up Chesapeak Bay?

A. Informed as I was of every circumstance respecting the Chesapeak Bay and the Delaware, I was of opinion then, and am of the same opinion still, that the going up Chesapeak Bay was a very wise and proper measure.

[*Withdrew.*

Mr. *Montresor* called in, and examined by Sir William and Lord Howe.

Q. How many years have you served in the corps of engineers?

A. Twenty-nine years.

Q. Did you act as chief engineer in North America in the campaign of 1777?

A. Yes.

Q. Did not you act as Sir William Howe's aid-de-camp part of the year 1776?

A. Yes.

Q. Was you sufficiently near to the enemy's lines at Brooklyn, on the 27th of August, to judge of the strength of their lines?

A. I was.

Q. Was Sir William Howe, to your knowledge, so near as to be able to form a judgment of their strength?

A. He was, as I did not quit him the whole day.

Q. As an engineer of experience, do you think it would have been a prudent measure to have assaulted those lines on that day?

A. By no manner of means.

Q. Can you give a particular account of the state of those lines?

A. Yes——The lines were constructed from Wallabout Bay, on one side, to a swamp that intersects the land between the main land and Red Hook, which terminates the lines. The lines were about a mile and an half in extent, including the angles, cannon proof, with a chain of five redoubts, or rather fortresses, with ditches, as had also the lines that formed the intervals, raised on the parapet and the counterscarp, and the whole surrounded with the most formidable abbaties.

Q. Were those lines finished on every part, from the swamp formed by the Wallabout on the left, to the swamp on the right?

A. Yes.

Q. Do you know the particulars of the left part of the line towards the Wallabout? Have you any reason for knowing that?

A. The line runs straight from the rising ground where Fort Putnam was constructed, in a straight line to the swamp that terminates itself at the bottom of Wallabout Bay.

Q. Was there a possibility of a single man's passing round the left part of the line?

A. There

A. There was not. After entering the lines, Sir William Howe, on the enemy's evacuating, followed the road to the point, to examine and see if he could get out at that part, which he could not do, and we were obliged to return and go out of a sally port of the lines.

Q. In the course of your experience, have you ever known that ground has been broken at any distance and a regular approach made by trenches, to attack such lines as those at Brooklyn?

A. I do not; but in the year 1758, in going over the ground at Ticonderoga, I was humbly of opinion that the failure of our attack there was from the want of approaches.

Q. Were not the British army much retarded in the possession of the fort on Mud Island, by the tides and rains overflowing the dikes and causeways, and even the platforms of our batteries?

A. They were.

Q. When we quitted New York did you expect to have found so many difficulties in the reduction of the fort at Mud Island?

A. I did not.

Q. Whether you don't suppose, if the lines at Brooklyn had been attacked, we should have lost a considerable number of men?

A. I do, for this reason: in the morning that the enemy evacuated those lines, I was out reconnoitering before day-break, and observing the enemy had evacuated the lines, I went with all possible dispatch to Sir William Howe, who immediately dispatched me to order the piquets to move on to take possession of them, and at the same time, lest it should have been a deception of the enemy, he directed me to take a corporal and six men, and advance in the front, in order to be certain whether they were really evacuated. I was the first person in the works, and had the greatest difficulty, with the corporal and six men, to get through the abbatties, where no one was to oppose me.

[*Examined by other members of the committee.*]

Q. What was the number of effective men that the King's army consisted of on the attack of the 27th of August?

A. I humbly conceive it is a properer question to ask of the adjutant-general than the engineer.

Q. Question repeated. As to your knowledge and judgment?

A. I don't recollect.

Q. What did you conceive to be the number of your enemy?

A. About 8000 men to 10,000.

Q. Did you conceive that those eight or ten thousand men were many of them veterans that had been in service or not; I mean the major part of them?

A. This is a question out of my professional line.

Q. Do you know that Sir William Johnson defeated Baron Deiskau in the last war?

A. I was, at that period, at the Achon with General Braddock, and therefore can't speak particularly to it.

Q. Have you ever heard of that defeat where Baron Deiskau attacked Sir William Johnson?

A. Yes, and have been over the ground several times.

Q. Describe the ground?

A. Baron Deiskau advancing to attack Sir William Johnson's army with a body of regulars from Canada, Colonel Eyre, the chief engineer, immediately formed the waggons of the army, leaving intervals for the cannon, and forming an abbattis in the front, contributed to the means of their success.

Q. Where was General Washington and his army supposed to be on the 23d of July 1777, when Sir William Howe sailed with his army to the southward?

A. I don't know.

Q. Supposing him to have been at Pick's Hill, or at Morris Town, what was the course General Washington must have marched in order to get into Pennsylvania?

A. Declines answering that question, as out of his professional line. I did not act as aid-de-camp at that time, but was with the expedition as chief engineer.

Q. Whether that circumstance of being chief engineer did not lead you to know what was Sir William Howe's object in the expedition to the southward?

A. It did not.

Q. Can you say of your own knowledge, that the right hand redoubt of the lines at Brooklyn had an abbatis before it?

A. I have already said that the whole had an abbatis before it.

[He produces an actual survey of the lines. See the titles of those papers page 63.]

Q. Whether the gorges of the redoubts on the inside were fortified and planted with cannon, so as to make them defensible as separate forts, in case the lines were forced in any point?

A. By

A. By their being inclosed in the gorges, it constitutes them redoubts, they would not be so otherwise. When a line is constructed, and has two flanks to it, they are only redans; but when they are inclosed in the gorges with similar faces, then they are redoubts.

Q. If any one of these redoubts were taken, did not they flank the line in such a manner to the right and left, that the enemy could not remain in the lines?

A. I have already said they could not be taken by assault, but by approaches, as they were rather fortresses than redoubts.

Q. Was you the first person that gave the alarm of the lines being evacuated?

A. Yes.

Q. At what hour in the morning?

A. At day break; about four o'clock.

Q. At what o'clock did the first brigade march to take possession of the lines?

A. The picquets marched within twenty-five minutes after I had made my report.

Q. How long do you understand it might have taken the rebels to cross in boats to New-York, considering their numbers?

A. It depended on how many embarkations they had, and how many boats.

Q. Did you come to Staten Island with Sir William Howe's army?

A. Yes.

Q. Did you hear at that time the number of men that Mr. Washington's army consisted of?

A. I might; but it has escaped my memory.

Q. How many days would it have taken to have carried on the approaches, from the place where they broke ground, six hundred yards from the redoubt, on the left of the rebel lines?

A. Much would depend on the counter approaches, and the construction of the batteries of the enemy within.

Q. Supposing the rebels had taken all the advantage of ground they might have done, and that we had also advanced as expeditiously as things would permit, under those circumstances, how many days do you think it would have requied?

A. All the artillery and apparatus must have been brought from New Utrecht, or from Yellow-Hook, to the north east

of the Red-Hook; allowing every thing prepared, I suppose about three days.

Q. Are you of opinion, that the rebel army, during the day, would have ventured to go off from their lines at Brooklyn Heights, and crossed the ferry?

A. I should imagine not; it is merely matter of opinion.

Q. Who was general officer of the night of the 29th of August, the night the rebels went off?

A. It was Brigadier-general Agnew; it is out of my profession.

Q. Do you know what orders the general officer of the night received from head quarters in regard to watching the motions of the rebels, and what precautions they were to take to prevent their going off without the king's troops having notice of it?

A. I do not know what orders were given; I always understood that orders were given to be very alert, and for that reason I was reconnoitering before day-break.

Q. Do you know whether, during the night of the 29th, a number of such small parties as you described, at the time you heard the rebels were gone off, you took along with you to feel the pulse of the lines, were employed, at small intervals of time, to feel the pulse of the lines in many different parts?

A. All piquets that are near an enemy's lines, have always advanced parties beyond them, in order to discover and watch the motions of the enemy.

Q. If such parties as these had been constantly pushed towards the enemy's lines during the night, when they might have done it, without being much exposed, whether such parties would not have probably prevented the rebels from going off?

A. When an enemy in lines is determined to evacuate his works, they have generally nothing but their arms, no cannon or baggage, and small parties could not discover them.

Q. If the enemy had abandoned the lines, is it not probable that some of those parties, by finding there was no fire against them, would have perceived it?

A. Nothing but the forlorn hope, or desperate parties, would ever attempt to have looked into a work, to have got to the crest of a work, and they could not discover that the enemy had evacuated it till they were there.

Q. Don't you think it practicable by such means to have got a very immediate account of what part might be first abandoned?

A. Not

A. Not more so than by the picquets and advanced parties.

Q. Did you say precisely, how soon, after notice was given of the evacuation, the king's troops marched?

A. Within twenty-five minutes after.

Q. Was the plan you have delivered in taken at the time, and is it the original?

A. It was taken between the 27th of August and the 30th of September, as is stated in the title, and it is the original.

Q. Are you acquainted with the navigation and defences of the North River?

A. I am not particularly with the navigation, but thoroughly with the defences the rebels made on it.

Q. Do you know the King's Ferry?

A. Merely by going up and down.

Q. What is the breadth of the North River there?

A. I don't recollect.

Q. Can ships of war of any size pass there?

A. Forty-gun ships, I have understood, have gone to the highlands.

Q. How far is the highlands above King's Ferry?

A. I imagine about two or three miles.

Q. Would it be possible to pass at the King's Ferry, if any ships of war had been stationed to prevent it, we being in possession of the left of the river?

A. I am not master enough of that subject to answer that question.

Q. Supposing General Howe, instead of going to the Chesapeak, had gone up the North-River, and supposing General Washington had passed over the King's Ferry, considering the force which you know was left at New-York, and the defences of that place, whether you are of opinion that General Washington's army would have been in an eligible situation?

A. I should be ready to answer the honourable gentleman, but it is mere matter of opinion, which I have declined; and in the subordinate situation I was then in, I am not adequate to answer it.

Q. Was you not chief engineer at any time during the campaign?

A. Yes, in 1777.

Q. In what situation was you when General Howe sailed for the Chesapeak?

A. Chief engineer.

Q. Sup-

Q. Supposing General Howe had gained possession of the highlands, and General Washington had crossed the North River, whether we, having possession of the navigation of the river, could not have cut off General Washington from all support from the southward?

A. I apprehend this is rather excentric from my line.

Q. Whether you ever acted as chief engineer before the campaign of 1777?

A. I did, by a special commission from the King.

Q. When?

A. Till the arrival of the troops at Staten Island (on the 13th of August), when I was superseded by Major Dixon; from an accident, he was afterwards recalled, during which interval I was aid-de-camp to General Howe, without pay.

Q. Was you higher than a captain in the corps of engineers in the course of the year 1777?

A. I was not, which was the reason I resigned.

Q. Whether Sir William Howe, in your opinion, could have made himself master of the posts in the islands, without much loss both of time and of men?

A. I should be very happy to answer, if I could; but I do not know the general circumstances, and am not adequate to give an answer.

Q. Was you acting as aid-de-camp to Sir William Howe, and was you near his person, at the time of the action at Long Island?

A. I did; and was never from his person.

Q. Was you present when Sir William Howe recalled the battalion of grenadiers, and the 33d regiment of foot, who in pursuit of the rebels, wished to attack the principal redoubt of the enemy?

A. I was.

Q. Do you apprehend it would have been wise or justifiable by the rules of war to have suffered those two corps to storm that redoubt?

A. I think it would have been very improper, as the artillery was not up, and there were no fascines to fill the ditches to get over them, and no axes for cutting the abatties, no scaling ladders, or proper apparatus for an assault of so respectable a work.

Q. What is your opinion in general of the works you have seen constructed by the rebels?

A. I think, in general, that they are judiciously planned, but ill executed.

Q. What

Q. What was the effective strength of Sir William Howe's army when they embarked for the Chesapeak?

A. I beg leave to give the same answer I gave before. It a properer question for the adjutant-general.

Q. Do you know the number of brigades?

. Not unless I had reference to my papers.

Q. What was the strength of General Washington's army at that time?

A. It was fluctuating, and I cannot speak to the particulars.

Q. What was the strength of the garrisons at Long-Island, New-York Island and Staten-Island at that time?

A. I must give the same answer to that.

Q. What were the obstructions to going up the Delaware at that time?

A. Sir A. Hammond has spoke to that particular.

Q. How far would the shipping go up the Delaware before they met with any obstruction?

A. I was not in the Delaware at that time.

Q. What is the distance from Newcastle to Philadelphia?

A. I understand it is about seventy miles.

Q. What works had the rebels to protect the *chevaux de frize* on each side of the Delaware?

A. The works at Billingsport to defend the lower, and on Mud-Island to defend the upper.

Q. What is the width of the river opposite to Mud-Island?

A. Three thousand five hundred yards, comprehending Mud-Island.

Q. What distance is Red-Bank from Mud-Island in a direct line?

A. About 2700 yards.

Q. Is the east bank of the Delaware opposite to Mud-Island higher than that on the west side?

A. It is.

Q. What distance was our battery on Province Island from Mud-Island fort?

A. At a great distance.

Q. Would batteries on the east shore have been as effectual?

A. It could not, from the distance already mentioned of 2700 yards.

Q. Had our army been in possession of the east side of the river above Billingsport, could they have destroyed the rebels' shipping above that post?

A. Undoubtedly.

Q. What

Q. What is the distance from Amboy to Red-Bank?

A. Forty-four miles.

Q. Was the road fit for carriages?

A. They are bye roads, and of course bad in an infant country.

Q. What was the actual interval of the time between the compleat evacuation of the lines at Brooklyn and the discovery of that evacuation?

A. We were upon the rear of the enemy, some were killed and some taken prisoners in the village of Brooklyn.

Q. Was the embarkation of the enemy compleat at the time of the discovery?

A. I apprehend not.

Q. What time would it have taken to have brought up the cannon and other apparatus for the attack of the redoubt at Brooklyn?

A. I suppose about twenty-four hours.

Q. Whether, when you got to Brooklyn, you commanded a view of the place of embarkation?

A. Thoroughly.

Q. Were any of the rebels' boats then not put off from the shore of Long-Island?

A. Some were not.

Q. What number of boats did you discover afloat?

A. I thought I saw three or four.

Q. Did you see no more?

A. Not more close to the shore.

Q. How many afloat?

A. I can't recollect.

Q. Can you form any judgment?

A. I don't recollect.

Q. Do you recollect whether you saw boats afloat sufficient to carry any number of men you will name, from 100 to 5000?

A. I was more intent on the enemy's batteries: they were then firing grape-shot from thirty-two pounders from the city of New-York and the ship-yards, which is only 850 yards off.

Q. Was it a considerable part of the enemy you saw in the boats, or only a few?

A. Only just the *debris* of the rear guard.

Q Was you at Brunswick when the movement was made on the 14th of June, with a view to draw the enemy from the mountain above Quibble Town?

A. I was.

Q. What

Q. What was the number of effective men that composed that movement?

A. I can't say.

Q. Do you know that General Washington's camp was reconnoitered before you made the movement, and how near could you get to make your observation?

A. That was in 1777, when I was chief engineer; those manœuvres did not come under my line.

Q. Did not the making observations on the situation of the enemy chiefly relate to your situation in the army as chief engineer?

A. As far as related to their defences.

Q. What were the defences you saw of the enemy at Quibble Town?

A. Nothing more than their situation in the mountains: they seemed to be very formidably situated there, and very difficult of access.

Q. At what distance did you make those observations?

A. About two miles distance.

Q. What do you understand was the effective number of General Washington's forces in that camp?

A. I was not acquainted with their numbers.

Q. Did you know, of your own knowledge, how long General Washington's army could subsist in that camp, in point of provisions?

A. The particulars of his stores never arrived to my knowledge.

Q. Was it not possible so to have surrounded General Washington's encampment at Quibble Town, as to have cut off all resources of provision, or oblige him to surrender or come down to fight?

A. It is entirely a military manœuvre.

Q. Whether, in your capacity of chief engineer, you was not consulted as to that point?

A. I was principally consulted in my professional line.

Q. Was you not chief engineer at that time?

A. I was.

Q. Was you consulted, as chief engineer, respecting any measure for surrounding General Washington's camp?

A. I was not.

Q. How near did our army approach to General Washington's camp at Quibble Town?

A. I don't immediately recollect the distance.

Q. Was you with the army?

A. I

A. I was.

Q. Can't you tell how near you was to Quibble Town camp?

A. Though I was with the army, I availed myself of a strong patrole that was going out, to have a nearer view with my telescope.

Q. When you went with the patrole, where did you leave the army?

A. In their camp.

Q. What was the name of the place?

A. I don't recollect the name of the place.

Q. Don't you know the distance of the army from Quibble Town, when you went with the patrole?

A. I don't recollect.

Q. Do you know by what means it was that General Howe knew the strength of the rebels at Quibble Town camp?

A. I mentioned before, that the strength of the rebels never came to my knowledge.

Q. Do you think it was practicable to have beat in the enemy's out-post, and thereby try to bring them to action?

A. With submission to the honourable gentleman, that is a properer question to ask of a general officer than a captain of engineers.

Q. Did you think it was practicable, or not?

A. It is not in my line.

Q. Do you know, as chief engineer, whether the post at Trenton was reconnoitered, and a plan of defence, and the *fort* and the *foible* of that post, in case of an attack, was considered of, and recommended to the officers commanding that post?

A. I was not chief engineer, but aid-de-camp at that time.

Q. Did you, as aid-de-camp, know that any engineer had considered the nature of that post, and recommended a plan of defence, in case of an attack?

A. I do not know.

Q. Did you not act as engineer at Philadelphia?

A. Yes.

Q. Whether you, as chief engineer, had gained information of the nature and state of the rebel fort at Red Bank; and whether such information was put in possession of the officer who went with the party to the attack?

A. I was at that time constructing the defences of Philadelphia.

Q. Do

Q. Do you know whether any other engineer had acquired that information?

A. I don't know they had.

Q. Where did the party land, that landed on the east shore of the Delaware, that went to the attack of Red Bank?

A. I believe at Gloucester Point.

Q. What is the distance from Gloucester Point to the fort at Red Bank?

A. I am unacquainted with it: but they were obliged to make so great a *detour* that it must have been a long way.

Q. About what was the distance?

A. I never was by the route. [*Withdrew.*

Titles of Drawings produced by Mr. Montresor *in the Course of his Examination, and left with the Committee.*

1. A draught of New-York and its environs; shewing the principal part of the operations of his Majesty's troops, from the 27th August 1776 (being the day of the action) to the 18th September; the descent on the island and surrender of the city of New-York; at the same time representing the several works the rebels had thrown up for their defence.
2. Section through the five rebel redoubts, that formed the line of defence for covering the enemy's retreat across Brooklyn Ferry to New-York, after their defeat on the 27th August 1776.
3. Section through the rebels' lines at Brooklyn, as they were the 27th August 1776.

May 12.

No debate.

May 13.

Mr. *De Grey* begged, before the house went into the committee to inquire into the conduct of the American war, to submit a proposition for calling to the bar persons to be examined to several points which had been spoken to by witnesses called upon to give evidence by the honourable commander in chief. He therefore would move for the attendance of General Robertson.

Mr. *Burke* condemned this mode of proceeding as irregular and unfair; remarked that there were several precedent stages of the business in which such a proposition would have come with great propriety, if it had been accompanied with a fair, honest avowal, of proving the mis-

misconduct of the honourable general; but while ministers affected in the most warm terms to applaud his military conduct, they were now, by a side wind, in a late stage of the examination, preparing to defeat and invalidate evidence which they asserted they believed.

Mr. *Dundas* [the Lord Advocate of Scotland] said, this was the most extraordinary language he ever heard, considering the honourable gentleman from whom it came. The honourable commander moves for an inquiry into his conduct, and produces evidence at the bar in his own justification. Ministers oppose the inquiry in the beginning; but very properly acquiesce in the sentiments of the house, contrary to their own judgment. This *ex parte* evidence is received; and now, when ministers wish to have full and impartial information, an honourable gentleman, who all along professed the most earnest desire for full and impartial information, is the very person who sets his face against it.

Mr. *Burke* in reply said, he had for some time past always attended to what fell from the learned gentleman with great pleasure; because it had the same effect upon him, as if in a camp, he heard the report of a gun fired, it would call him to his quarters, and warn him of the approach of the enemy. Ministers were obliged to the learned gentleman, who particularly, when another learned gentleman was absent [Attorney General] answered the end of a courier, and announced the real intentions of his friends in high office. The gun was fired, the courier was arrived; the masque was drawn aside; and the learned gentleman had in part revealed intentions that would, a few days since, have been disavowed in the most open and direct terms.

He thought that this was fair and honourable war, if the mode of making it had been earlier adopted. But what was the truth of the transaction? Witnesses had been summoned to attend before the Easter recess; the committee had already sat three weeks, and now in almost the very last stage of the business, so far as the commander in chief is concerned, without previous notice or communication, ministers, for the first time, give an intimation of calling other witnesses, in order to meet and disprove the evidence delivered at the bar.

Mr. *Ellis* said, he could not help expressing his astonishment at the inconsistent conduct of the honourable gentleman. A very few days only had intervened since the honourable

nourable gentleman was loud in his demands. Give us, said he, general inquiry; let evidence of every kind, and given in any manner, be received. Let ministers and their friends exert themselves, it is a duty they owe to themselves and the nation. They opppose the present inquiry, because it will proceed on evidence *ex parte*, but that can be only a pretence; if the evidence be *ex parte*, that will be their fault, who under that pretence wish to evade the inquiry. Will not they be at liberty to call what witnesses they may think necessary for their own justification, &c? This was the prevalent language which came from the opposite benches hitherto; yet monstrous as it was to conceive or believe, on the fixed appearance of a desire in ministers to vindicate their conduct, the very same honourable gentleman who was so strong, and as he is always, an able advocate for the propriety of admiting every species of evidence which is likely to lead to truth and justice, is the very first to complain.

Mr. *Burke* replied, that the honourable gentleman misunderstood, he could not say misrepresented him; because he knew his candour and correctness in debate too well to impute to him any such intention.

He agreed entirely in the principle laid down by the right honourable gentleman, that inquiries, if they were instituted for any good or honest purpose, ought to be free, general, and impartial; but it was not the principle he found fault with, but the manner in which it was pursued. Why not summon witnesses in some precedent stage, and not now, as it were at the very tail of the business, take the honourable commander by surprise? Why not give notice before the recess? Why not after the examination of a noble Lord, a member of the other House, and of General Gray? And lastly, why not after the evidence given by Sir Andrew Hammond, and Major Montresor? No: ministers, conscious of their incapacity and criminal neglect in conducting the American war, endeavoured to stifle all inquiry; but when they found, complacent as that House was, and prompt as it had often been in its obedience to the mandate of the possessors of power, that there were some requests which bore the marks of guilt and insolence on the very face of them, they instantly change their plan. We fight best, said they, after a defeat. We have given repeated assurances to the general, that we think his conduct highly meritorious. We led him to believe, that no step would be taken on our part; and un-

der that idea we know his evidence is nearly closed, and we will now call witnesses to the bar, to controvert every syllable that has been said there.

Sir *Richard Sutton* observed, that the inquiry had taken a very different turn since the arguments alluded to by the honourable gentleman came from that side of the House. It was absurd to talk of witnesses, when no inquiry was intended, but what might be gone into upon the correspondence on the table. The sense of the House, however, had totally changed the nature of the business. Witnesses had been examined to matters of fact and opinion, to military manœuvres, to the propriety of plans, and the execution of them. Ministers were therefore in a very different situation; yet the honourable gentleman's argument, if it meant any thing more than mere amusement and pleasantry, amounted to this: Ministers were for receiving no parole evidence? but the House have determined to receive parole evidence; consequently ministers have no right to examine witnesses in order to justify themselves against charges and accusations, either implied, or directly made. It was sufficient to state such arguments and conclusions, in order to shew their absurdity. Were they permitted to pass current in that House, they would operate to the utter subversion of every principle of justice and every dictate of common sense.

Mr. *Fox* expressed his surprise, that his honourable friend near him could waste even a single moment upon a matter, which, to say the worst of it, could only be considered as a mere informality in the mode of proceeding. Let the inquiry, in God's name, proceed! Let the most ample information be received from every side and every quarter, and through every channel. Let every man of every description, who was in a situation either in America or Europe, which gave him an opportunity of knowing any thing relative to the subject matter of the papers on the table, be called upon to give his testimony at that bar. If he knows a fact, let him relate it; if he has an opinion, let him give it. What shape does the whole subject, taken in a fair and impartial view, present itself in? We have lost America. We have lost 25,000 men. We have spent upwards of thirty millions by this accursed American war. Who has been the cause of its miscarriage? Is not that the question? Who led us into this war? Ministers. What were our motives

tives for entering into and prosecuting it hitherto? The repeated assurances of ministers, that the war was practicable; that the means for insuring success were adequate; that the issue would be correspondent.

When called upon, what do ministers urge in their justification? The war was practicable; the means you gave us were adequate to the attainment of the given object? the success, had the plans been as well executed as they were wisely conceived, would, nay must, have been crowned with success. We have kept our faith with Parliament, so far as it depended upon our own exertions; and if the war miscarried, it has not been our fault.

Still more; what was the conduct of the noble Lord at the head of the American department, the last day this business was agitated and debated in this House? Did not the noble Lord, instead of defending his own conduct, criminate and accuse the commander in chief, with special acts of misconduct and neglect? Did not he charge him with wasting his time to no purpose in the Jerseys, and with going round by Chesapeak, instead of going up the Delaware; and conclude that from the delay occasioned by these measures, the advantages which might be derived from the campaign of 1777 were lost, and our victories rendered of no avail; in short, that we commenced the campaign in Pensylvania, when we should have been thinking almost of providing winter quarters? What, on the other hand, has been the answer of the honourable commander? I could not have proceeded up the Delaware. I was compelled to go by Chesapeak. I could not have forced the enemy at Quibble Town, without suffering a great and a certain loss, and running infinite risque and hazard. Why so? Because my force was inadequate. I told the noble Lord frequently, that it was inadequate, and for that reason, that no decisive campaign could be expected.

What is the language of the noble Lord? You say you want a reinforcement of fifteen or twenty thousand men; but I know you must be mistaken, you want no such force. I have better information than you. You can recruit your army in Pensylvania. You might have sent a stronger detachment to the Highlands, or have carried on your operations by the North River. You lost a month from your retreat from Quibble Town, till you embarked at Staten Island; and you lost another month by your going by sea, or at least

going round by Chesapeak, instead of debarking at Newcastle or higher up the Delaware.

What then is the object of the present motion? to bring witnesses to your bar; and for what purpose? to prove that the noble Lord, the American secretary, was right—to prove that the honourable commander and the noble Lord the admiral were mistaken.

The motion of the honourable Gentleman [Mr. De Grey] is therefore, in my opinion, extremely proper for several reasons. It will amount to a fair issue, and the examination of the witnesses intended to be moved for will form one part of the evidence. I must confess, till the noble secretary stood forth, that our proceedings bore rather an aukward appearance. It was a committee moved for by two respectable members of this House, concerning their military conduct in high situations of command: they called and examined several witnesses to several material and interesting parts of their conduct. But still something was wanting. Ministers gave high testimonies in their favour. No man accused the noble admiral and honourable general; or if there was any thing which could be fairly interpreted into an accusation, the fact or facts were not specified. It amounted to no more than loose desultory conversations. The noble secretary hitherto remained silent. His Lordship, however, at length adopted a much more manly part; when he found that the House had determined to proceed, he boldly stood forth as an accuser in the manner I have just been describing. One thing more only remained to be done, that was an avowal on his part of his intention to prove as well as accuse. His honourable friend has, with his permission, taken the first introductory step in this business; he has moved for the attendance of General Robertson, for the purpose of examining him touching military matters; adding, that he means to move for the attendance of several others in the military and civil line.

I like this, for my part, because it looks as if the noble Lord was in earnest; that he was determined to throw himself upon the opinion of the house, and not trust to a corrupt majority (were it in his Lordship's power to obtain one) in his favour, and to screen himself by means so dishonourable and disgraceful.

We ought not to prejudge the noble Lord, the honourable commander, the noble admiral, nor administration. We cannot without manifest injustice, without betraying the honour of Parliament, and sacrificing the dearest interests of this

country, judge till we hear all parties; nor then, unless we resolve with one intention to judge without prejudice or partiality.

As matters now stand, it will in matter of form be necessary to allow, that the claims of this country over the colonies were well founded; that the measure of coercion was a wise one; that it was practicable in the execution, and that the means were adequate. I know, however, that America is lost, and the nation apparently at the eve of destruction; but as to the cause of our disasters and misfortunes, I shall suspend all opinion till I hear the evidence on both sides; then and then only will it be competent for me to decide, and draw a fair line between accusation and recrimination.

Lord *George Germain* said, he disclaimed the idea of being an accuser; he had been attacked in that House, and without doors, as the cause of the miscarriage of the American war; and when he stated facts in argument, when he called witnesses to those facts, and reasoned upon them, he was only defending himself, not accusing any man. He formed opinions upon what he deemed good information; he was not yet convinced that his information was unfounded. If witnesses were called to authenticate that information, it was only in his own justification. He never thought the House competent to judge of military matters, nor ever would. He submitted, however, to the sense of the House, because he was persuaded they acted properly, and it was his duty to acquiesce: but when *ex parte* evidence was received, he was free to maintain, that the mode of defence ought to be adequate to the mode of attack; in that, and in that sense only, he wished that military men might be examined. His Lordship said, that the main object of his desire that witnesses should be called, was to rescue the loyal and meritorious sufferers in America from the general censure, or implied censure, passed upon them by one of the witnesses at the bar [General Gray], who affirmed, that America was "almost unanimous" in their resistance against the claims of this country. This was a language he would never hear without endeavouring to prove how ill-founded it was. This was the motive for wishing that other witnesses might be called. He was conscious of the purity of his own intentions; he had nothing to charge himself with. The papers on the table would afford the best proofs how far he acted right or wrong; and he was willing to trust the event of the inquiry, so far as it might be supposed to affect him, to those papers. But when he heard the suffering, the loyal, brave, and spirited inhabitants of America, condemned in the lump, under the description of being mi-

mical to the constitutional claims of this country, it was but an act of common justice to endeavour, by every proper means, to set that matter in a true light. Men who had been banished and proscribed; men who had so repeatedly bled; men who had relinquished every thing dear and valuable, their country, families, friends and relations; who had abandoned their property, and chosen exile and poverty, in defence and maintenance of the legislative and constitutional rights of Great Britain; to hear such men so unjustly calumniated, was a language he could never endure. Before he sat down, he said, that the part of the evidence he meant to controvert was matter of opinion only, which had been delivered at the bar on the first day. He did not doubt the veracity of the noble Lord or the honourable general [Lord Cornwallis and Major-General Gray]. His intention went no further than to meet one set of opinions with another, by which the House would learn, and be able to judge, which of the parties were best informed.

Mr. *Fox* recurred to the same argument, and begged leave to make a few observations on the noble Lord's speech. The matter had been fully explained; there were two sides and two parties, according to the new language of the noble Lord, but no party for this much injured country. For his part, he should be of no party; if ministers, by their blunders, incapacity and obstinacy, had lost America, however zealous their friends may be to support them, there was no man hardy enough to avow it; on the other hand, if the commanders were to blame, he trusted there was no person so factious as to give them support, at the expence of justice and their own honour.

Lord *Howe* said, however strong the noble secretary might have been in his expressions, he had thrown out the most ill-founded insinuations against him and the general near him [Sir William Howe]. They had not made any charge against administration. They were accused in that House and elsewhere, with being the authors of our present misfortunes, so far as those proceeded from the miscarriages of the American war. They called witnesses to exculpate themselves, not to accuse any man. The general near him had put no other questions but such as were merely directed to that purpose. If other honourable gentlemen asked questions, and that witnesses in answer gave opinions, he could not see any ground for charging him and the honourable general near him with being accusers. They were defenders of their own honour and characters, not accusers; they had confined

their

their questions to the subject matter of the papers. On the other hand, the noble Lord stood forth as a specific accuser of the honourable general near him; notwithstanding which, the noble Lord turned the tables on him and the honourable general near him, and thereby committed an act of which his Lordship only had as yet furnished an example. Lord Howe spoke to several other points, arising from the nature of the evidence already given, and testified his utmost satisfaction that the noble Lord had at length agreed to enter seriously into the inquiry.

Mr. *De Grey*'s motion was then read and agreed to; on which he followed it with a similar motion, for the attendance of General Jones, Colonel Dixon and Major Stanton. Also for John Maxwell, Joseph Galloway, Andrew Allen, John Paterson, Theodore Morris, and Enoch Story, Esqrs.

Mr. *Burke* condemned the calling American refugees, and custom-house officers, to the bar of that House, in order to impeach and controvert the evidence of men of high rank in their profession, and that to prove the temper and disposition of the people of America, to support the legislative rights of this country over that. Was not the dependency of America already given up? Were not acts for that purpose recorded on the statutes on the table? Were not commissioners sent out, to offer a surrender of every claim but what immediately related to the power and patronage of the crown? What then could the constitutional rights be, which the loyal part of the people of America contended for? Not for the supreme right of Parliament, that had been given up; not for a revenue, that had been long since abandoned; not for any political legislative connexion, for that had been already negotiated away by the commissioners, who acted under the conciliatory acts of last session, and that too in the very teeth of the spirit and letter of those acts; for what then? to shew that a corps of mercenaries, who would fight under any banner, or in any cause; a few refugees, pensioned and supported by government, and a set of custom-house officers, whose very existence depended upon the profits of their places and emoluments, will prove what? that men coming within those respective descriptions will give evidence of the sentiments respectively entertained by them, of the duty, loyalty, and constitutional sentiments of each other.

He did not wish to insinuate that there might not be several respectable individuals who were zealous in support of the legislative rights of this country; but the true test now, and at every former period was this, and this only; were they sufficiently

numerous and able to support and maintain the king's government against the usurped powers, supposing that it had been restored by a superior force from this country? If not, what availeth this warmth and profusion of words? Any thing short of such a disposition and ability united, signified just nothing; for it amounted plainly to this, that Great-Britain is at the expence of fifteen or eighteen millions a year, to wage a perpetual war with a clear decided majority of the people of America; and if we should subdue them in the end, that we must either consent to keep up a war-establishment, to maintain the superiority so dearly purchased, or have our loyal subjects there liable to similar oppressions to those which we had put ourselves to so enormous an expence to free them from. Was the war with America to be continued, without the least probability of success? or if attended with success, what were we to fight for? for the power of the crown, not for the rights of parliament. But he begged the noble Lord's pardon: perhaps every promise or offer was to be withdrawn, and we were again to contend for unconditional submission. The noble Lord, in a former debate, gave an opinion to that purport. Whence then would his aid be drawn? not from the loyal inhabitants of America, for they abhorred the idea. He doubted much, if many of those who composed the provincial corps would draw their sword in such a cause. The best affected in that event would soon become disaffected; even the refugees and pensioners would be staggered; he meant such as were so from principle; and the whole work would be to begin again. This country, at three thousand miles distance, at war with France, and probably on the eve of one with other powers, would be committed, in an additional contest, with America united. So that the whole of the noble Lord's argument presented the following alternative; with a part of the American loyalists we continue the war, in support of the patronage of the crown; or contending for unconditional submission with the whole united force of North America.

He concluded with begging leave to put in his claim, that when the evidence was finished, ministers should not be permitted to shield themselves under a pretence of its being defective, on account of the absence of material witnesses; the defect must be felt equally by both sides. Ministers, by calling other witnesses, had committed themselves without reserve; he hoped, therefore, that neither the house nor committee would pay the least attention to so flimsy a pretext, should

should it hereafter be urged, as a plea for the justification of their conduct.

The committee of inquiry was put off to the 18th.

Mr. *Fox* moved, that the sentence given by the court-martial on the trial of Sir Hugh Palliser, be laid before that house. He stated his reasons and intentions very loosely; said he did not doubt, if his motion was carried, but he should move for a copy of the minutes taken at the trial. He was not determined what step he should take, because a right honourable military commander [General Conway] now at his government, had pledged himself to the house, that if Sir Hugh Palliser should be acquitted, he would make a motion for the purpose of removing him from his present situation. At the time alluded to, he withdrew his motion, out of respect to the honourable gentleman; now he should forbear to repeat it, for the same reason.

It was not necessary to remind the house, that the only solid objection urged against the motion was, that as the vice-admiral was going to a court-martial, a vote of this house might be supposed to influence his judges. Indeed, the house was almost unanimous in opinion relative to the propriety of the motion. A learned gentleman of great weight [Attorney General] seemed to urge scarcely any other motive of dissent; thought his accusation against his superior was ill-founded from the beginning, and that, whether it was malicious or not, it certainly was highly deserving of censure. Another learned gentleman, of great legal knowledge, and the second law officer of the crown [Solicitor General] went a good deal further; he pledged himself to that house, that if the vice-admiral should, on his acquittal, be again employed, he would himself move to impeach that minister who should dare employ him. The learned gentleman was not now in his place; he believed him to be a man of integrity and honour; and he promised, whenever he proceeded to the performance of his engagement to that house, he would most certainly second him.

After touching a little on other topics, relative to the conduct of the navy, he mentioned the resignation, by letter, of Sir Robert Harland, and a mutiny which had broke out at Torbay, on board the Defiance, in the fleet under the command of Admiral Arbuthnot.

If his motion was agreed to, the sentence he promised should be taken up on some future day, for the purpose of framing

framing some public proceeding thereon. He asserted, that the navy was in general dissatisfied; that the sentence was kept yet as a secret; that he had seen different representations of it in the newspapers; that, however, as they were contradictory, nothing could be depended upon; he wished therefore to know, as the first step necessary to future proceedings, that a copy of the sentence might be made public, both in that house and elsewhere, that the nation might be enabled to judge how far it was justified by the evidence on which it was framed.

Lord *North* said, as he did not hear any ground stated sufficient to induce him to agree to the motion, he would certainly resist it. He heard that there was a mutiny of the sailors at Torbay; he was sorry for it. He did not know the exact particulars, but he understood that it had subsided, or was in a fair way of being quelled. As to the resignation of Sir Robert Harland, it was certainly true; it gave him great pain; but he could assure the honourable gentleman, that the admiral desiring permission to strike his flag and come on shore, was not from any disgust to the conduct of the admiralty-board, at least it was not so expressed in the letter; he was therefore free to say, that neither the resignation alluded to, nor the mutiny at Torbay, had proceeded from any circumstance which might afford grounds of bringing a charge against the admiralty-board.

The honourable gentleman had thrown out a general imputation on the court-martial, and specifically pointed at some of its members; he could assure him, if his motion was ultimately meant to criminate the gentlemen so described, the sentence would not answer any purpose whatever. The court was constituted according to act of parliament; no management had been used; the senior captains were regularly called upon; and the honourable gentleman could not forget that those gentlemen were upon their oaths.

Much had been said of the discontents in the navy, and of the resignation of several honourable and respectable commanders. No person entertained an higher opinion of the honourable admiral, the noble lord who commanded in America, and the vice-admiral, whose name had been introduced into the present debate. He regretted the loss to the service which the absence of so many able officers must occasion; but he had the consolation to think that their places could be supplied with men no less reputable—"Men as good as they."

Admi-

Admiral *Keppel* said, he thought the motion a very proper one; the sentence had not been as yet published. One newspaper said, that the vice-admiral had been most honourably acquitted; another, that he had been censured for a disobedience of orders. He thought, in such a state of uncertainty and suspence, that the public, and that house, ought to be informed; for certainly, as the sentence was represented, it must appear very strange indeed, to acquit a person honourably in one part, and censure him for a breach of duty in another. He protested he did not know the sentence. He believed, but he would not undertake to say, from his own knowledge, that it was favourable, because he understood that the gentleman had been at St. James's, where it was to be presumed he would have hardly gone, if his judges had not honourably acquitted him of the charges of misconduct which had been preferred against him.

Governor *Johnstone* said, that those who attempted to foment discontents and disunion in the navy, deserved the heaviest curses and execrations of their country.

He condemned the injustice of arraigning the conduct of men, respecting their public judgements given on oath; and said there would be an end of law and justice, if men and characters were to be questioned in such situations.

Mr. *James Luttrell* contended, that the court-martial was not properly constituted in any respect. No person who had been aboard that fleet on the 27th of July ought to have acted in the character of a judge; particularly if he were know to have entertained opinions either in favour or against the party accused. It was the duty of a person thus circumstanced to attend as a witness, not to act in the capacity of a judge. He was on board the Victory the first day of the honourable Admiral's trial, and he remembered well, that Captain Walsingham was objected to, and the objection allowed, because he might be summoned as a witness, and the opinion of the first law officer of the crown stated, as the ground of the objection. If it was a good opinion in one instance, it was so in another; consequently Captain Walsingham was unjustly excluded, or Admiral Digby, and the three captains of the blue division, improperly admitted.

Mr. *Burke* spoke to the discontents which had spread thro' the navy, and of the resignation of those two great naval officers, Sir J. Lindsay and the honourable Captain Gower.

Lord *North* said, the absence of Captain Gower from the service gave him great trouble, because he was persuaded of his

his great professional deserts; but the present was the first he heard that Sir John Lindsay had withdrawn himself from the service, upon any other account than his precarious state of health.

Governor *Johnstone* said, he should speak from his own knowledge, as to the reason which induced Sir John Lindsay to decline the service, and assured the house, that they had not originated in discontent, or from any disapprobation of the conduct of the admiralty-board, but merely from an indifferent state of health. Much had been said upon the impropriety of permitting a near relation of the vice-admiral to sit on his trial; but, for his part, he thought it a very far-fetched objection, and the honourable gentlemen who had recourse to it were extremely hard set. It was, besides, frivolous and ill-founded; for he knew no law in this or any other country, on which such an objection could be maintained, nor a court that would pay it the least attention.

Admiral *Keppel* said, he could confirm what had been asserted by the Commodore. When he declined to serve himself, Sir John acquainted him with his intention, for the reasons assigned by the honourable Commodore, his total inability to attend his duty, being tortured by the gout; in order, however, to avoid any improper and ill-founded impressions, he prevailed upon him to delay the letter containing his resignation for a fortnight longer, which Sir John obligingly complied with.

Mr. *Burke* begged pardon of the house; said he by no means intended to mislead it, or misrepresent the motives which induced Sir John Lindsay to resign; and he trusted that the friends of that brave and able commander would believe he did not wish to make any use of his name, farther than he thought himself justified by truth.

Mr. *Fox* said, he would speak to the question; he must, he said, condemn administration for the following reasons:—

First, for collecting the charge from the minutes taken at the trial of Admiral Keppel, instead of making a specific accusation, which would have constrained the members to decide directly for or against the charge of disobedience.

Secondly, in constituting the court in such a manner, that three of the members, who had, as witnesses, on the former trial, shewn a partiality in favour of Sir Hugh Palliser; he would allow it to be an honest partiality; but be that as it may, it equally rendered them unfit to act in the capacity of judges. One of them was a near relation of his own [Admiral

miral Digby], a person of as much honour and high integrity as ever breathed; but still improper to sit in judgment on a point of which he had entertained a pre-conceived opinion.

Thirdly, on the total variance and contradiction between the minutes and the supposed sentence: and finally, on the absurdity of the sentence itself, which, if faithfully reported, convicted the vice-admiral of the principal fact alledged, and nevertheless openly permitted the offender to escape with impunity.

Lord *Mulgrave* entered the house, for the first time that day, just as Mr. Fox was sitting down, and instantly rose and attacked the whole body of opposition in very strong terms. He defended the conduct of the noble Lord who presides at the admiralty-board, and the board itself; defied opposition to make a single charge; but he knew the challenge was fruitless; they dared not. They were conscious of their own inability, and therefore dealt in general charges, and loose unmanly invectives; they would not now venture to state a single fact, because they foresaw, they well knew, the charge would recoil on themselves, and terminate in their own infamy. Divisions in the navy! Discontents! Mutinies! It was false, it was wicked. Discontents and disunion only existed in their own minds; they endeavoured to create them, to nourish and foment them, in every department, in that house, and out of it, by those Machiavelian arts which they had basely imputed to others. They laboured incessantly to sow dissentions, to provoke them, by means the most scandalous and dishonourable, and laid the fault on the admiralty-board, though they alone were the authors. They employed their factious emissaries, their little officers, to insinuate themselves among their brethren of the profession, and in unguarded moments, attempted to seduce them from the duty they owed their country, and rendered them the instruments of their abandoned and wicked policy, thereby to give a colour to their arts; employed the most fair and honourable dispositions in purposes, which, if apparent, the persons alluded to would hold in the most utter abhorrence. Under the semblance of truth and honest intentions, they resorted to every species of falsehood and delusion.

[His Lordship was here called to order by the Speaker, who begged that his Lordship would at least permit him to read the question. This being complied with, the noble Lord resumed his speech; but was again interrupted by the Speaker,

Speaker, who pressed the propriety of his waiting awhile, till he heard some of the arguments urged in support of the motion.]

Mr. *Burke* rose and said, that the discontent and general dissatisfaction stated by that side of the house, be the cause what it may, was almost universal. The noble Lord, who had been with so much propriety compelled to sit down, was modest enough, however contradictory it might be to some of his assertions, to acknowledge it; but, says the noble Lord, the opposition it is, that has created and fomented these discontents. Is the noble Lord serious, or has he rather had recourse to his celebrated argument of *tu quoque?* "It was not I that did it, but it was you." Such an answer is just on a line with the noble Lord's politeness, and wit, and pleasantry. He has a great example in this line of debate, the noble Lord in the blue ribbon. He is sometimes more angry than his noble friend, but when he pleases, he can be almost as witty.

But leaving the noble Lord's wit and politeness to the admiration of his friends, the whole of the noble Lord's discourse, in point of designed effect, deserves an answer, though, I think, no particular part of it does. I should be sorry to have so disagreeable a task assigned me, not even the politeness and the candour of the noble Lord shall provoke me.

The tenor of the noble Lord's speech is, that discontents in the navy do exist; but that the reason they do, is owing to opposition, who, by Machiavelian arts and by emissaries, and factious and wicked agents, have really sown them, and now expect to reap a wicked harvest. I take it, that by this the noble Lord means that opposition expect to be able to displace the present members of the admiralty-board. Is, or can the noble Lord be serious, when he makes such assertions? Surely not. Can he persuade himself, or rather, which is the truth of the question, does he hope to be able to persuade this house, or the nation, that men of a high and nice professional sense of honour, can be seduced from their duty by speeches or harangues made by his honourable friend or him within these walls? Was there a member present who believed that the honourable commander of the Western squadron, or the noble Lord, the vice-admiral under the gallery, or that able officer, Sir Robert Harland, were the tools of opposition? Where was the temptation? What end of ambition, or resentment, or advantage, or lucre could it answer? Or what speculative reasons could be urged, sufficient to justify such a defection? Such a supposition was utterly improbable,

bable, and unfounded in any motive which is supposed to operate upon human conduct, particularly when applied to the military service, where almost every thing dear or valuable to an officer, but his honour, must be sacrificed, and no one object whatever to balance it in the opposite scale.

The true cause of the present discontents ought to be carefully examined into and investigated. There ought to be no side adopted in the discussion of so weighty and important a question. The malady existed; no remedy could be applied, till the seat of the disease was discovered, and its degree and probable causes decided upon. On the contrary, if it was permitted to gain strength, to take a deep root, and spread and insinuate itself into every part of the naval constitution, it would and must prove mortal.

The successive resignation of three great officers was not a matter that should be passed over in silence or lightly treated. The resignation of another very respectable officer [Captain Levison Gower], nearly allied to a noble Lord who at present presides in his Majesty's councils [Lord Gower], were circumstances which ought to create alarm in every man who had the interest of his country at heart. Parliament had a great interest in the services of such men, at such a crisis; that house, in particular, should act in the capacity of state physician. To remove the disorder, it was necessary to know what was the nature of it. Nothing it was possible to urge to the contrary would be sufficient to excuse any neglect. To refuse to enquire was to abandon the patient to his fate; or administering to him mere palliatives or quack medicines, instead of the most speedy and effectual cure.

He considered the present motion in that light, as the first necessary step; and he trusted, that every side of the house, for the sake of justice, and in order to avert the most fatal consequences, would unite as one man, to interfere, and endeavour to learn which side, the great officers or the admiralty board, were to blame? If the former, in the language of the noble Lord, had, in breach of their duty, suffered themselves to be made the instruments of faction, it was a short question; let them no longer conceal themselves under false pretences of ill-treatment; let them be held forth as objects of contempt and public indignation. If, on the other hand, those brave and deserving men had been sacrificed to personal resentments, party views, and ministerial intrigue, let the authors of so diabolical and nefarious a scheme of politics

litics be removed from their present situation, and undergo a punishment suited to the magnitude of their crimes.

What pointed out the urgent necessity of such a procedure by that house, was this very important consideration, that the navy was our best protection, and the basis of our power, or indeed independent existence; consequently, it behoved us in particular to take special care that no evil be left unremedied in that service, on the execution and good government of which the glory, great interests, and even salvation of this country almost solely depended.

Lord *Mulgrave* denied that he made use of the words "little officers;" his expression being, that little factious emissaries endeavoured to get hold of officers in unguarded minutes, &c.

His Lordship entered into a defence of the admiralty-board, both as to the framing the charge against Sir Hugh Palliser, the constituting the court-martial that tried him, and the sentence given by that court. No accuser had appeared against the vice admiral; the board had written a letter to the commander in chief, to know if he had any accusation; he answered, that he had not: the court had been legally constituted, according to the mode prescribed by the act of Parliament; and as to the sentence, the honourable gentlemen were much mistaken or misinformed, if they imagined there was any part of the sentence or precedent proceedings which would not stand the most rigid examination.

Mr. *Fox* said, to the abusive part of the noble Lord's first speech, he had but one answer to give, as applicable to administration in a body; that opposition were well warranted to reply to them, in the words of a celebrated author [Swift's Gulliver] a little altered and enlarged; where, at the conclusion of his well known travels, he says, He could bear them well enough in some respects; he could make allowances for their incapacity, ignorance, folly, corruption, love of place and emolument; he could pity them for their blunders, their wants, weaknesses, and gross stupidity; he felt for their miserable situation, knowing not whether to rush headlong on certain ruin, or retreat with safety: but despicable, unprincipled, and detested as they were, he had nevertheless learned to treat their persons with respect; yet when such men grow insolent and abusive, urged their claims of merit for what they deserve an axe; when he beheld such men, in the very midst of those dire disasters and national misfortunes, endeavouring to contend that those misfortunes do not exist; or

if

if they do, that they ought justly and solely to be imputed to opposition; to see a lump of deformity and disease, of folly and wickedness, of ignorance and temerity, smitten with pride, immediately breaks all measure of patience; it being hardly conceivable that so much pride, vice, and folly, could exist in the same animal.

Col. *Barré* said he would meet the noble Lord's two arguments in support of the constitution of the court-martial, by two precedents; one from the Journals in the eighteenth of George the Second, and the other from the noble Lord's own mouth. His Lordship having said, that that house had no right to revise a court-martial, or censure their conduct, the precedent proved, that such a revisal, and such a censure, had taken place and been passed, in the year 1745, on the court-martial who tried Captain Norris for misconduct in the Mediterranean. The other instance insisted upon by the noble Lord was, that the admiralty-board had no discretionary power to excuse the attendance of any captain, should his senior rank in the service entitle or compel him to serve on the court-martial. In answer to this, the Colonel alluded to the case of the noble Lord himself, who, a few days since, in that House, had publicly declared, that he had refused, though regularly called upon, to serve upon the court-martial; adding, that he would rather relinquish the service, however dear his ship's officers and crew were to him, than consent to sit upon the vice admiral's trial, lest he should be suspected of partiality.

Here, then, were two instances; one to prove that the noble Lord was no very exact disciplinarian in this line, and that his example did not serve much to prevent mutiny: the other, that the noble Lord was convinced in his own mind, that he was not proper to sit, lest he should, with the best and most honourable and unprejudiced dispositions, in spite of his judgment, be imperceptibly influenced by what he thought, not by what he heard.

The noble Lord had begged pardon for differing in opinion from his honourable friend behind him, [Mr. Burke,] but with visible marks of passion said, that no discontents, mutinies, or disunion existed in the navy in general, or any one part of it. Now the truth was, that they did exist, and that to a very great degree; and further, that opposition was not chargeable with being the authors. He advised the noble Lord to look nearer home. If the noble Lord could not gain admittance into the cabinet, a sudden peep, he believed,

would be sufficient to convince him, that disunion, discontent, and mutiny, originated nearer the fountain-head. There he would behold one minister contending for unconditional submission; another for the terms proposed by the commissioners to the American Congress; a third haranguing on public profusion and corrupt contracts; and a fourth defending both public and private contracts, no matter whether made openly at the board, or secretly with Mr. Atkinson in his Lordship's own closet. In short, the noble Lord, if admitted into the secret recesses of the temple, would behold nothing from day to day, that as a patriot he must not lament and earnestly deprecate. Even if his Lordship possessed less public virtue, he must feel very sensibly for such a state of things, upon common motives of prudence, as a moment's reflection must teach him, that the disagreements of his friends contained in them the seeds of political dissolution, and of course would deprive this country, at least for a while, of the civil services of the noble Lord.

But, without representing matters of this kind upon trust or speculation, there was sufficient evidence before that house and the public, to shew that the cabinet was divided, and that our chief discontents were there generated. He had observed it long; he would not rest the grounds of this assertion upon hearsay or opinion, but upon facts which came out in that house.

When the commissioners under the act, called the Prohibitory Act, of the winter session 1775, were sent to offer terms to America, a right honourable military commander, (22d of May 1776,) who is now doing duty at his government, [General Conway,] moved an address to the throne, that the instructions given to the commissioners might be laid before that house, in order that, if they were not full enough, his Majesty might be empowered to grant specific terms to his American subjects, before the sword was finally drawn, never to be again sheathed till the destruction of one or both countries should be effected. He recollected that the noble Lord in the blue ribbon, who had been reluctantly, he believed, drawn into this accursed American war, and who had, against his own judgment, been compelled to pursue it, said, "He was always of opinion that rebels were to be treated with; that if any benefit could be derived to Great Britain, he saw no objection or difference whether it was with a foreign enemy or with rebels; with armed rebels, or with rebels who had laid down their arms." What answer did

did the noble Lord, the American secretary, make, who then, as he does now, sat next the noble Lord in the blue ribbon? "That no commissioner could ever mean to send out instructions to treat with rebels in arms; that commanders both by sea and land were to carry on war with rebels in arms; how then could they treat with them? The noble Lord cannot mean any such thing; I told him so in council; I told him that I differed from him; and conceive, therefore, when his Lordship talks of treating with armed rebels, he means no more than to receive submissions from any colony, body of men, or individual, who should shew a desire to return to their duty; but to treat of the terms of submission, the noble Lord must know, that no treaty could be entered into with rebels armed, or unarmed, respecting the measure of obedience to be paid to the supreme legislature."

Here then is the first minister of a great country, and the first minister of war, and minister for America, differing in Parliament on a matter of the very utmost importance.—What did we hear lately from the same noble Lords? but the noble Lord in the blue ribbon absolutely declaring, that we were bound to fulfil the terms held out by the conciliatory acts of last session, and the offers made by the commissioners, which accompanied them; and the other noble Lord expressly contradicting him. Here then was faction, discontent, and disunion, sown in the very vitals of executive government. How was it possible that any measures, so radically contradictory, could succeed? or that either or both plans could be carried into execution?

After stating these cabinet and parliamentary disagreements between the two noble Lords, he represented them as newspaper authors, and paragraph writers. This he brought, he said, as a proof without doors, that their Lordships carried their disagreements into print, and, like other injured characters of great weight, sought that justice at the bar of the public, which each imagined his opponent had refused.

Says one noble lord in the newspaper, "When the account of D'Estaing's sailing arrived in town, you were fifty miles distance." "No, (replies the other,) I was but eight, and you were twenty." Says one noble Lord, in a flaming paragraph, "Your Lordship is indolent; the American war would be effectually carried on if you had properly employed the means put into your hands." "No, (says the other noble Lord, in another flaming paragraph,) the blame is not with the treasury, but in the other departments, by which men are

neither procured, nor vessels to carry them*. After describing this paragraph war, carried on between the noble Lords in a ludicrous manner, he grew serious, and affirmed, that disunion, faction, cabal, and discontent, must pervade every inferior department of the state, when its source flowed from the inmost recesses of the national councils; and its appearance in print made its way in such a manner, as must have disgraced two quacks contending for the superior virtues of their wonderful boluses and pills.

Lord *North* denied that he and his noble friend ever differed in Cabinet or that House; they might have expressed themselves in a different manner, but their sentiments were substantially the same. He was, at the time alluded to by the noble Lord, for treating with armed rebels. He would be so still in the same situation. His noble friend meant as he did; he meant to do what the prohibitory act authorized his Majesty's confidential servants to do. That act gave no power to treat of measures of submission; but it did not tie up the hands of the commissioners so as to prevent them from hearing what terms of obedience the rebels were ready to offer. To grant such terms was something very different from receiving and transmitting them home, to be considered and finally decided upon in Parliament.

The honourable gentleman had dubbed him an author and a paragraph writer. He assured him, that he never corresponded with the newspapers.—He had not yet attained to that honour; and he was not so very desirous to appear in print as to commence a paragraph writer. He never did, nor believed ever would write a paragraph: and he added, upon his honour, that if any such paragraphs as those described appeared, he knew not who wrote them.

Lord *George Germain* avowed the same sentiments. He was much surprized that the honourable gentleman should lay so great a stress upon paragraphs in the newspapers. It was a very extraordinary proof indeed of the divisions which he supposed prevailed in cabinet. He could assure the honourable gentleman he knew of no such divisions.

As to the matters alluded to in former debates, he said they were very improper to be introduced at present. He protested that he did not remember that he ever made use of the expression, "I differed from the noble Lord (meaning the noble Lord

* See the Remembrancer for 1778, page 122, where these paragraphs are preserved.

Lord in the blue ribbon) in cabinet, and I told him so." It was unfair to repeat words casually dropped in debate; but as well from recollection as the frame of his own mind, he was clear that no such expression could have dropped from him, because he could never remain in a situation where he must be obliged, from his own opinions, to interrupt and obstruct the national councils.

Colonel *Barré* insisted on his former assertion, respecting the expressions, and contrariety of sentiments which had fallen from him in the debate first alluded to; but as to the newspaper attacks, he was now led to believe that the noble Lord in the blue ribbon was not concerned in them, but that this celebrated literary warfare was carried on between the noble Lord at the head of the admiralty, and the noble Lord at the head of the American department, the former of whom was at the time amusing himself with his kettle-drums and raree shews at Portsmouth.

He protested that he did not allude to those ridiculous circumstances to answer the temporary purposes of debate. It was not intended as a political squib, but to bring to the recollection of the house, that the measures respecting America, were begot in disunion and disaffection, though not in mutiny; for the noble Lord who spoke last fairly confessed, that he would sooner resign, than oppose or embarrass, or counteract the opinions of his noble friend; and as to the correspondence with the Morning Post and Public Advertiser, however laughable it might appear, it pointed to very serious circumstances indeed.——It shewed that the account of D'Estaing's sailing from Toulon on the 15th reached London on the 27th of April, he believed on the 24th or 25th; that there was not one cabinet minister in town to receive the dispatch, and to act upon it. One was twelve miles off, and got no notice; another fifty; a third an hundred and fifty; the noble Lord at the head of the admiralty, with his flags, kettle-drums and streamers at Portsmouth; and, if he recollected right, the noble Lord in the blue ribbon gaping at the wonderful affairs that were then exhibiting there under the direction of his merry colleague.

Such was the situation of this devoted country at the very eve of the naval campaign of 1778. If ministers had, however, after such a criminal neglect of duty, such a shameful waste of time, endeavoured by double assiduity to make amends, he could have passed over this very extraordinary scene in silence. But what was their conduct? Instead of expediting

the armament then fitting out for Admiral Byron, they began to paragraph each other in the newspapers; and when this disgraceful altercation was finished, after they had exhausted their whole budget of invective and abuse, they permitted Mr. Byron to sail on the 9th of June with 19 sail of the line, by which, besides the not being earlier prepared, they had sacrificed a period of six weeks to their own personal resentments and recriminatory charges and accusations.

Lord *Mulgrave* rose, and said the honourable gentleman had misrepresented his words, that the case cited from the Journals was not a precedent sufficient to support the present motion; because the trial of Captain Norris was a mock one, and a withholding of justice; that his not attending the court-martial on Sir Hugh Palliser was because he held two situations, one military, the other civil; and as there were officers enough to supply his place, it was thought more proper to require his attendance at the admiralty-board. His Lordship complained of having his words watched, and the manifest disorder of recurring to matters which happened in former debates, but was called to order by

The *Speaker* rose and observed, that the noble Lord had first spoke to the question, without so much as hearing the motion read, or a single argument urged in its support, which was extremely irregular and improper; that he had been indulged a second time, and now rose a third time, which was a departure from all order; he must therefore insist, unless the house contradicted him, that the noble Lord would sit down.

The house grew disorderly, some crying, Chair! others, Lord Mulgrave! till Mr. *Rigby* rose to the point of order. He observed, that no member had a right to speak more than once to the same question; unless to explain, or to a fact; that the noble Lord had been already permitted to speak twice, and was now on his legs for the third time. This was still the more extraordinary, as the noble Lord was not present during the greater part of the debate. There were many gentlemen who sat out the whole debate that had not as yet spoke; and if the noble Lord was again permitted to speak, it would go to establish a rule of debate, that he who from the beginning attended in his place, should not be permitted to speak at all, while he who was absent the foregoing part of the day, might rise and speak as often as he pleased. Lord Mulgrave sat down, and in a few minutes quitted the house.

Lord *North* rose to speak to order; but the Chair calling for support, his Lordship was obliged to sit down.

As soon as the house was quiet, his Lordship rose again; but,

Mr. *Rigby* said, that the noble Lord had been up five times, three of which he was permitted to debate, and was now proceeding for the fourth time.

Mr. *Turner* complained greatly of the improper indulgence shewn to the noble Lord, and said, he despised any man who suffered any such improper indulgence to any minister.

His Lordship was again obliged to sit down.

The question was put, and the house divided; ayes 78, noes 157.

May 14.

No debate. Adjourned to the 17th.

May 17.

After reading the tax-bills, upon which there was no debate, and going through some private business, the following conversation unexpectedly took place.

Hon. *T. Luttrell* began with an excuse to the House for absenting himself ever since Easter; he thought no member ought to be absent so long a time when so much business was transacting, without a better plea than either private affairs, or a slight indisposition. He desired it might be understood, that he had staid from Parliament from neither of those motives; but because he was convinced that it had become the duty of every member of the House of Commons, not leagued with the present incorrigible ministers, to withdraw from that defiled spot, and cease to give their countenance to those mock debates, and a mask of candid discussion, which could serve no better end than to deceive and betray their constituents. He hoped that he had in no quarter incurred the suspicion of having changed his political principles; such instability of mind he should be sufficiently ashamed of, without adding thereto the worst of all political apostacies imaginable—the changing the principles of the present opposition, to adopt those of the other side of the floor. His friends near him had, he found, by their hopeless perseverance, differed from him as to their line of conduct! But he was far from singular; for he could produce a list of more than thirty, as respectable public characters as any in England, who had also retired into the country, and openly avowed the same motives. He called upon the opposition in a body to secede from the house, and draw up a proper representation and appeal to the people; pointing out the justifiable reasons for such a step from the imminent peril to which the state is reduced by an unconstitutional and corrupt influence in Parliament,

seconding the most ruinous measures of government that could possibly be devised. He declared that nothing short of so important and so particular a call as the subject he was about to introduce could now have brought him thither, and he would not detain them very long. The facts he proceeded to state were these: That the discontents aboard the fleet, so far from being confined to a single ship [the Defiance], had been general in almost every ship of the line of battle, occasioned either by a change of their captains, on Admiral Keppel's trial, or by a want of confidence in the skill of their present flag officers, or a detention of their pay. Many of the crews belonging to the capital ships had actually refused to weigh anchor till their wages were discharged. Several hundred seamen from the American squadrons, with two or three years pay due, had been arbitrarily and illegally turned over to other ships, and ordered out on service without receiving a shilling—men who, in addition to the strict justice of their demands, might plead the most active and meritorious services. A court-martial for mutiny had been holden on board the Egmont, of 74 guns, at Plymouth; three or four men were sentenced to death, others to be whipped, and the rest of the mutineers, by a new mode of decimation, were (as he understood) draughted forth, ten in each body, and conveyed into the other men of war in commission, that they might innoculate the whole navy with the same contagion; and doubtless to prevent a second disturbance from arising in the same ship, they had supplied this deficiency of her complement by taking out the seamen from the Pearl frigate, lately come home from New York, and ordered the Egmont to sea, without saying a word of payment to the men.

The treasurer of the navy (by his account), states to have near two hundred thousand pounds of the public money for the use of the fleet remaining in his hands the 31st of December 1778, of which about forty thousand pounds belonged to the column of seamen's wages. Why is not this money issued so far as it may go? and let the noble Lord in the blue ribbon lose not a minute in supplying the deficiency. "Do not attempt to send more ships out of port while so serious and alarming a grievance exists." The acts of Parliament of the 4th of Queen Anne, and the act of the last reign, entitle the men to their pay within a calendar month after they are discharged the service or turned over. Your fleet must sail from the coast very

very soon, or leave the French masters of the seas. The unfortunate business off Jersey calls for vigour and dispatch on our part. Unfortunate it certainly is. Consider the fair account between both countries of that expedition. It was undertaken (like the expedition of Thurot in the last war) by a private adventurer, with assistance from some rich merchants of St. Maloes, and two or three frigates bearing the King's commission. Those frigates and a score of boats have been destroyed; one frigate, indeed, of 32 guns, brought away; so much for our success. But consider the advantages that have resulted therefrom to the enemy.

As there were no cruizers nor advice-boats stationed near Guernsey and Jersey by our vigilant ministers for the marine department, the French appeared off Jersey on Thursday, April 29; the intelligence reached England not till the Sunday evening following, though the wind was fair enough to bring dispatches from thence to Spithead in eighteen hours. He blamed not Admiral Arbuthnot, circumstanced as his information stood, for having, in the height of his zeal and forwardness to serve his country, deviated from his orders, and gone to the relief of Jersey; but the consequences were very injurious to the interests of Great Britain; for during his absence the wind had been for three days fair to carry our fleet out of the Channel, and Mons. de la Mothe Piquet had actually availed himself of that wind on Tuesday the 4th instant, to sail from Brest with a powerful squadron of men of war, probably for America, where, it must be owned, he will find himself far superior to us; unless it is again argued by ministers, that they can be in time, waiting even a month longer before they send a reinforcement, and quote the instance from D'Estaing last year. Mr. Luttrell added, that Admiral Arbuthnot's fleet is still detained by contrary winds, and not the least prospect of a change in their favour for several days to come. He assured the house, that he spoke as to these matters from his own knowledge: he very lately, and for several weeks together, had visited the coasts of Hampshire and Dorset, and was at Portsmouth when Admiral Darby's arrival announced to the fleet at Spithead, that they were to be sent out under his command, instead of Admiral Harland's. There was visible an almost universal astonishment and dejection among the officers and men; Admiral Darby might be a very worthy man and a gallant officer, but he had never yet appeared in a higher station than that of a private captain, and disused the

sea

sea above sixteen years. He had certainly not the experience and established renown of a Keppel, a Howe, or a Harland; he was in a state of probation as a flag officer, to be entrusted with the fate of this country, in preference to our most approved veterans; he will doubtless use his best abilities, and if the issue should prove calamitous to the public, the blame be on the heads of those who have chosen him for so arduous a station at so perilous a crisis!

Mr. *Ellis* rose to make a reply, but chiefly confined himself to his particular line as treasurer of the navy: he admitted the large surplus in his hands last Christmas; said it was all disposed of long ago: he was obliged to obey the calls of the navy-board, whenever they might come upon him, so long as he had cash in hands: when it was all gone, like other bankers, (for in that light he must be considered,) he could supply no farther. He spoke of the large influx and payments of money at the treasurer's office; said the flood-gates were up for it to run forth, while the stream would be kept alive; and when the current slackened, the flood-gates must be shut down. As for what was stated to be an "exceeding on the article of wages," it was a rule in his office to apply that money to other naval purposes, such as victualling, and wear and tear, if more immediately demanded for those heads: at all events he was not answerable for the application, but only to fulfil every due requisition from the proper boards while he had public money in his custody. With regard to the money due to the frigates lately come home from America, he did not doubt but if the honourable gentleman would inquire further, he would find they are, by this time, actually paid the arrear of their wages; they certainly ought to be paid; if they are not paid yet, they will of course scarcely proceed to sea without it, knowing that it is their just right.

Mr. *Burke* stood up about five minutes, and rallied Mr. Ellis on comparing himself to a banker: he afterwards made some forcible and solid remarks on the subject under discussion; he owned he had often, in the course of former naval debates, been himself among those who had mistrusted Mr. Luttrell's naval information, or thought the misconduct of the admiralty much exaggerated: that whenever he found his facts so positively contradicted by gentlemen on the other side of the house, who should on every account be better instructed than any individual in opposition could possibly be, he

he had more than once declined taking part in the charges; but he was now ready to confess his error in so doing; for time and a thorough scrutiny had discovered this melancholy truth, that the honourable member was uniformly in the right, and the ministers entrusted with the navy of Great Britain had wickedly misled the house and the whole nation. He observed on Mr. Ellis's "ought to be paid," that if every thing that ought to be done was done in reality, there would be no cause for complaint, nor would the nation be reduced to its present distresses.

He recommended it to Mr. Luttrell to move for papers to prove his allegation relative to with-holding the seaman's pay.

Lord *Mulgrave* got up, and began his speech with recommending temper: he repeated his former commendations of the admiralty-board, and added some handsome expressions respecting Admiral Darby. He thought Mr. Luttrell highly censurable for drawing comparisons between one admiral and another; it could answer no good end whatever. He denied that any men of war had actually been sent to sea without pay, though it was not customary to pay them while in harbour. He animadverted severely upon that species of men called crimps, who cheat the poor sailors out of the fruits of their public services; and said, the blame lay in that quarter, and not with any ministerial board whatever. His Lordship could not sit down without his customary conclusion of a few digressive hints at Mr. *Luttrell*, which the latter (by way of explanation,) took occasion to reply to in the same strain.—He said he should now take leave of the house (probably for the rest of the session), and having discharged his obligation, by communicating these serious facts in his place, as a member of Parliament, they might form thereupon whatever motion should be judged expedient, or let the matter drop altogether, if, in the magnitude of their wisdom, they deemed it nugatory.

May 18.

Committee on papers, F. Montagu, Esq. in the chair.

Mr. *Robert Mackenzie* called in and examined by Sir William Howe as follows:

Q. Was you secretary to Sir William Howe during his command in North America?

A. I was.

Q. Do you know that Sir William Howe received a letter

ter from General Burgoyne, from Ticonderoga, dated about the 2d of July, before Sir William Howe left New York?

A. Yes; I have the letter here.

[*Letter brought up, dated 2d July* 1777, *and received* 15*th July* 1777.

Q. Do you know that Sir William Howe received a letter from Sir Henry Clinton when the fleet was off the mouth of the Delaware?

A. Sir William Howe received a letter from Sir Henry Clinton, dated 25 July 1777, and received the 30th.

[*Letter brought up.*

Note. These papers were copies, and not the original letters.

Q. Have you copies of Sir William Howe's answer to those letters?

A. I have a copy of his letter to General Burgoyne, dated New York, 17th July 1777, which was the same day Sir William Howe embarked on board the Eagle. I have also a copy of Sir William Howe's letter to Sir Henry Clinton, dated 30th July, off the mouth of the Delaware.

[*Both copies brought up.*

Q. Is the copy of Sir Henry Clinton's letter an exact copy, or an extract?

A. It is not an exact copy, the names are omitted; in other respects it is an exact copy.

Q. Why were the names omitted?

A. Because it related to a person who gave secret intelligence. [*Withdrew.*

[*Then the said four copies of letters were read, and are as follows:*]

Camp before Ticonderoga, July 2, 1777.

SIR,

I wait only some necessaries of the heavy artillery, which have been retarded by contrary winds upon Lake Champlain, to open batteries upon Ticonderoga.

The army is in the fullest powers of health and spirit. I have a large body of Savages, and shall be joined by a larger in a few days.

Ticonderoga reduced, I shall leave behind me proper engineers to put it in an impregnable state, and it will be garrisoned from Canada, where all the destined supplies are safely arrived; my force therefore will be left complete for future operations.

The

The enemy do not appear to have the least suspicion of the King's real instructions relative to the campaign, after the reduction of Ticonderoga. I shall implicitly follow the ideas I communicated to your Excellency in my letters from Plymouth and Quebec. I have the honour to be, with every sentiment of respect and attachment, my dear General, &c.

(Signed) J. BURGOYNE.

General Howe.

A true copy. R. MACKENZIE, Sec.

SIR, *25th July* 1777.

I this moment received intelligence from Colonel Sheriff, respecting the march of Washington's army towards Morris Town; will send your Excellency the particulars by express, by the route you mentioned in your last.

There is ———, an officer ——— in the rebel army, who I think may be easily got at, and be of infinite use to your Excellency; he served as ——— in ———. I will not trouble your Excellency with particulars about him; suffice it to say, he is by all accounts a complete rogue, and understands enough of the business he is now employed in to be of use.

I sincerely wish your Excellency every success,

Being your most obedient, &c.

Sir William Howe. H. CLINTON.

A true copy, omitting names. R. MACKENZIE, Sec.

DEAR SIR, *New York, 17th July* 1777.

I received yours of the 2d instant on the 15th, and have since heard, from the rebel army, of your being in possession of Ticonderoga. I have received your two letters from Plymouth and Quebec, the last of 14th May, and shall observe their contents. There is a report of a messenger of yours to me having been taken, and the letter discovered in a double wooden canteen; you will know if it was of any consequence, nothing of it has transpired to us. I will observe the same rules in writing to you, as you propose in your letters to me. Washington is watching our motions here, and has detached Sullivan, with about 1500 men, as I learn, to Albany. My intention is for Pennsylvania, where I expect to meet Washington; but if he goes to the northward, contrary to my expectation, and you can keep him at bay, be assured I shall soon be after him to relieve you.

After

After your arrival at Albany, the movements of the enemy will guide yours. But my wishes are, that the enemy be drove out of this province before any operation takes place in Connecticut.

Sir Henry Clinton remains in the command here, and will act as the occurrences may direct.

Success be ever with you!—Yours, &c.

(Signed) W. Howe.

P. S. Putnam is in the Highlands with about 4000 men.

A true copy. R. Mackenzie, Sec.

Eagle, off the Mouth of the River Delaware,
30th July 1777.

Sir,

This morning I had the pleasure of receiving your letter of the 25th.

Having fully considered all circumstances, and from the information of Washington's march to the Delaware, I have determined to proceed immediately to the Chesapeak Bay, in order to land at the head of it. Had our passage here been more successful, we might possibly have landed in the Delaware in time to have got between the Susquehannah and Mr. Washington's army, which there would not now be the least prospect of; you will therefore be so good to send your commands to me at the head of Chesapeak Bay, from whence you shall hear from me when there may be any thing worth your notice.

It is not possible for me to say at this time when I may be able to send reinforcements to you; but I beg you will be assured that I shall not fail to do it as soon as expedient; in the mean while, if you can make any diversion in favour of General Burgoyne's approaching Albany, (with security to King's Bridge,) I need not point out the utility of such a measure.—The regular troops at Staten Island may certainly be withdrawn from thence, leaving the defence of it to Skinner and his provincials, if the enemy do not shew any thing to put it in danger from the Jerseys, after Washington's departure.

I shall not lose sight of your intention respecting the officer in the ——, with Mr. Washington. Having very little time, beg you will excuse the hurry of the letter, and believe that I am, Sir,

Your most faithful and obedient servant,

(Signed) W. Howe.

Lieut. Gen. Sir Henry Clinton.

A true copy. R. Mackenzie, Sec.

Sir

Sir *George Osborne*, a member in his place, was examined by Sir William Howe, as follows:

Q. Did you ever hear Colonel Donop express his sentiments relative to the post at Trenton, either before or after his defeat?

A. In the situation I had the honour to be with the Hessian troops, I lived in a degree of friendship with Colonel Donop, and very frequently, after the misfortune at Trenton, he acquainted me, that if Colonel Rall had executed the orders he had delivered to him from Sir William Howe, which were to erect redoubts at the post of Trenton, his opinion was, it would have been impossible to have forced Colonel Rall's brigade, before he could have come to his assistance from Fordington.

Q. Do you recollect any orders you received the day before the action at German Town?

A. On that day I was to the right of the infantry with the grenadiers of his Majesty's Guards. Sir William Howe came to the quarters I was in, with his aid-du-camps, a little before sun-set, and gave me orders to move on in front, with the grenadiers and light infantry of the Guards, to Major Simcoe's post, about half a mile in front of the line of infantry, acquainting me, at the same time, that I might expect the enemy at day-break the next morning. I can therefore add, that the firing of the enemy, on the morning of the attack at German Town, began exactly, or near the time that Sir William Howe acquainted me the night before it would do.

Q. Whether, from your situation in the attack of the fort on Mud Island, you recollect what were the impediments that prevented the earlier reduction of that place?

A. During the siege of Mud Island, I was more than once the field officer commanding in the trenches. Two several nights the rain fell so heavy, that it was impossible for us to carry on the works; and one night in particular, the water rose so high, that it was with great difficulty we saved the cannon in the chief battery.

Examined by other Members of the Committee.

Q. At what time did the reinforcement march to relieve the post at German Town when it was attacked?

A. In the situation I was in, on the right flank of the whole of the army, I can give no answer to that question, because the attack began considerably to the left, and full three-quarters of a mile from that part of the army where I was.

Q. In

Q. In any part of the day was you up with that part of the army which marched from Philadelphia to the relief of the post at German Town?

A. I was not; being with the brigade of Guards, who were on the right flank of the army.

Q. Do you know from what distance the rebels marched to make that attack?

A. Not from my own knowledge.

Q. Have you a general knowledge, as a matter of notoriety in the army, from whence the rebels came?

A. I have seen General Washington's letter, published by the authority of the Congress, in which he mentions to have marched from the situation in which he lay encamped while the King's army lay at German Town.

Q. What distance does the march appear to have been by that letter?

A. About nine or ten miles.

Q. Do you know the length of the engagement, from the time of the attack to the time of the rebels retreating?

A. No farther than what I heard from the length of firing. It must have lasted an hour and a half.

Q. Do you apprehend that the length of time from the first attack to the time when our troops came up to the relief of the post, and the rebels retreated, to have been no more than an hour and a half?

A. As I was not there, I said at first I only spoke by guess.

Q. From the whole which you understand of that affair, do you apprehend that our troops must have been more fresh to pursue, or the rebels to retreat?

A. It is impossible for me to give an answer for any troops. I could not see; any question relating to the brigade I served with, I am ready to answer.

Q. Do you know of any breaches that appeared to be purposely made on the banks of the islands where we were to erect our batteries against Mud Island, to let in the tides and flood them?

A. I never did, and knowing that island perfectly well, I never heard the circumstance mentioned till now.

Q. From the evidence that you have given, do you apprehend that Sir William Howe had certain intelligence on the evening preceding the attack at German Town, that the enemy would march towards him?

A. I believe I have been pretty accurate in my answer to the first question, in which I said that Sir William Howe came to the

the house in which I was posted, and informed me that the enemy would begin the attack in the morning, exactly at the hour at which they did.

Q. Notwithstanding that declaration from the commander in chief of the army, do you conceive that our army was surprised at German Town, or otherwise?

A. What I can speak in evidence, can be merely in my own situation; and I hope it is not arrogance, if I say, that after the information I received from the commander in chief, that I was not in any danger of being surprised.

Q. Do you conceive that any other part of the army was surprised?

A. I cannot answer to that from my own knowledge; and therefore, in the situation in which I am, I beg to decline that question.

Q. Was it the general opinion of the officers with whom you conversed after the action, that some other part of the army was surprised, or not?

A. That question being exactly the same as the last, only in other words, I can merely add, that the officers with whom I conversed, while I had the honour of serving under Sir William Howe, were always well satisfied with the care he had of his army.

Q. Who commanded on the left of German Town?

A. They were Hessians. The Hessian Chasseurs were on the left, and General Knyphausen commanded that wing of the army.

Q. Can you say whether General Knyphausen was apprised by Sir William Howe of the probability of his wing being attacked the next morning?

A. I never asked General Knyphausen that question.

Q. Did you ever hear from Sir William Howe that he had given such notice to General Knyphausen?

A. Being only a Lieutenant Colonel in that army, the General did not acquaint me with all the orders he gave.

Q. What particular connection had you with the foreign troops in America?

A. I had the honour of the King's commission of muster-master-general and inspector of the foreign troops.

Q. What was the nature of the latter of the two offices?

A. I received Sir William Howe's orders, from time to time, to inspect the brigades, the recruits, the arms and clothing, the hospitals and the sick, and made my reports to him accordingly.

Q. Did you find those troops always well appointed, with respect to clothing?

A. I shall answer that question, as the right honourable member has taken the trouble of asking it me, but I beg to say, for fear it should be followed by any other, that I think myself answerable only with respect to the reports I made to the commander in chief.

The clothing of the Hessian troops were always sufficient for the service of the campaign.

Q. How long did you hold the office of muster-master-general?

A. I held it while I was on the American service, two years.

Q. Were the foreign troops mustered as often as the English troops?

A. Much oftener.

Q. Were they mustered in the same manner, and under the same regulations?

A. I mustered them very differently, because I apprehended that my commission went not only to the numbers, but to the state and condition of the troops.

Q. Whether the muster-rolls were used as checks on the issuing of pay and provisions to those troops, in the same manner as they were with respect to the British troops?

A. Indeed I am very little inclined to refuse answering any particular question, I will therefore give the right honourable member full satisfaction on this, hoping that he will not take it amiss if I keep to the resolution, I flatter myself I can form with propriety, in not going through an examination myself, with respect to the duty of any office I myself held; with respect to the pay, the right honourable member asks whether the number of Hessians troops, at any given period, ought to regulate the pay? The pay was issued from Great Britain, I was only accountable to give the exact state of the troops in America. With respect to the provisions, they were regulated, as in all great armies they must be, from the morning reports of the officers commanding the several brigades.

Q. Whether the same identical stoppages were made and submitted to by the Hessian troops, as were made and submitted to by the British troops?

A. I understand very fully where that question leads, and I will give the gentleman full satisfaction, as far as is in my power. It is, I apprehend, whether the foreign troops paid for their provisions, so much a day, as the British did?—At first they complained that any deduction should be made from the pay for provisions, they imagined they could buy at a cheaper rate,

rate; but when they found that their whole dependence for their daily subsistence must be in the provisions delivered to the army, they were very glad to submit to the same deductions that were made from the British soldiers.

Q. Did they then pay the stoppages from the beginning?

A. I cannot answer that officially, as the money did not go through my hands.

Motion made that the chairman do report a progress.

Then it was moved to leave the chair.

Question put, that the chairman do leave the chair.

It passed in the negative.

To report a progress, &c.

As soon as Sir George Osborne closed his evidence, and sat down in his place, Sir *William Howe* rose, and observed, that the noble Lord, secretary for the American department, among other accusations, the truth or injustice of which he did not now mean to discuss, had charged him with neglect, in not corresponding with him for upwards of two months; and his Lordship added, that it was this circumstance, more than any other, that induced his Lordship to withdraw from him his confidence; for his part, he thought it would have shewn much more candour and integrity in the noble Lord, when he mentioned the fact, to have likewise accompanied it with the circumstance; if his Lordship had done so, there would have been no necessity for the present explanation. He did not mean, for the present, to call any more witnesses in this stage, before the noble Lord should examine those on his part; he begged the indulgence of the committee therefore for a minute or two to speak to the circumstance alluded to.

On the 16th of July, the day before he left New York to proceed on the southern expedition, he wrote to the noble Lord, to inform him that he was preparing to proceed for Philadelphia, by the Delaware. When he got off the Capes of the Delaware, which was on the 30th, he did not think it necessary to acquaint his Lordship, because he was already informed of his destination; but as soon as he arrived and the troops were landed at the head of Elke, and the disposition of the inhabitants towards the British government known, he sent home a dispatch, dated the 30th of August, which dispatch, he understood, had not reached the noble Lord till the 28th of October; so that, although the noble Lord was two months and more without hearing from him, he did not neglect his duty, for he wrote twice within, or about six weeks. The landing was not effected till the 25th, and he thought

that the strength and position of the enemy, their numbers, and the conduct of the neighbouring inhabitants, &c. were all circumstances worthy of learning and communicating, and of delaying the dispatch for three or four days. He allowed that the noble Lord was perfectly founded in his fact; but when his Lordship stated it, he should have added, that it was no neglect in the General, but accident; and although he received no letter from him for upwards of two months, that nevertheless he had wrote two; the first July 16th, received August 16th, from New York; the second, August the 30th, dated the head of Elke, and not received by his Lordship till October the 28th.

Lord *George Germaine* replied, when he stated the fact now alluded to by the honourable General, he did not state it as matter of accusation, but it merely fell from him in argument, in answer to a charge made against him by an honourable gentleman over the way [Mr. Fox], that he had withdrawn his confidence from the commander in chief. He said he was surprised, and very much so, that he had never heard from the honourable commander for two months and six days, namely, from the 16th of August, when he received the dispatch from New York, to the 28th of October, when he received the dispatch, dated Head of Elke, August the 30th. He was free to acknowledge that, he added, he knew no more of the honourable commander, nor what he was doing, than any person walking the streets; and if there was any heat in the expression, on reconsidering all the circumstances, he hoped he should stand excused in the opinion of the honourable General.

His candour was impeached by not mentioning that though no letter was received, yet two were written within the time described. He could not see how it was necessary for him to explain that circumstance. He related a fact, in the warmth of debate, as a matter collateral and explanatory of the main subject. He was accused, or charged, with withdrawing his confidence from the honourable commander, he was giving his reasons why he did so, and, among the rest, mentioned his not hearing from him within so long a period; this was not accusing the honourable commander, but shewing the cause of the many very unpleasant ideas so long a silence had created in his mind.

The honourable commander says, why not acknowledge the writing of the dispatch? To this he could only answer, that the correspondence on the table was open, and free to every honourable gentleman present; and that it could hardly be

be expected, that in the heat of debate, he could carry in his memory the contents and dates of every letter and paper which related to the present inquiry.

Lord *Howe* then rose and informed the committee, that the evidence on the part of the honourable General near him was closed, he meant to say, so far as he could determine at present.

He begged leave to state the exact situation the hon. General stood in. Witnesses had been summoned to attend, as many of them were examined as were thought necessary for the information of the committee, respecting such parts of the honourable General's conduct as were objected to.

Since then, the noble Lord at the head of the American department thought proper to call for the attendance of several officers and others, civil and military. If, therefore, on the further examination, any part of the former evidence delivered in the course of the inquiry should be contradicted or strongly controverted, he thought the honourable General ought to be left at liberty to meet those facts, reasonings, opinions, &c. with other evidence, by which means the committee being in possession of every thing material urged on either side, would be the better enabled to determine.

He meant this reservation only as applicable to the case of the honourable General near him, for the only witness he thought necessary to call upon was Sir Andrew Hammond.—He was the person to whom the debarkation of the troops was entrusted, and, of course, the fittest to be examined. Sir Andrew's services were wanted elsewhere, for which reason he should give him no farther trouble; but if any part of that gentleman's testimony called for elucidation, he was ready to rise in his place to be examined. Several gentlemen had interrogated Sir Andrew very closely; he had answered very fully, as far as he knew; if any doubts were still retained by any of those gentlemen respecting that officer's testimony, he was ready to supply his place, and give to the committee every satisfaction in his power. He could not sit down at this stage of the business, without making a few observations on questions put by some honourable gentlemen during the sitting of the committee.

One of those gentlemen [Governor Johnstone] had interrogated Sir Andrew Hammond very particularly as to the time lost in going up the Delaware, and asked him if at the time (he meant before the fleet proceeded to Chesapeak) he was acquainted with the land and water defences, the works at Mud Island, the gallies, fire-rafts, &c. in the Delaware,

On this he had but one short observation to make, that it could be hardly supposed that Sir And. Hammond was acquainted with the particular state of the works and defences of the Delaware, before his services rendered such a knowledge necessary; that rested properly with him as commander of the fleet. Sir Andrew's opinion reached no farther than what came within his own knowledge. He could describe the construction and nature of the defences by land and water, the resistance made by the enemy, and the great difficulties the fleet and army must have to encounter with, had they landed in the Delaware; the responsibility was his; the execution was Sir Andrew's. He preferred the landing of the troops in Chesapeak to the Delaware: when he formed this resolution, he had his reasons; and whether they were cogent or unfounded, was the proper business of the committee to judge of.

Another honourable gentleman [Sir R. Sutton] had interrogated Sir Andrew respecting the height and rapidity of the tide in the Delaware. The apparent intended effect of that honourable gentleman's question was somewhat unusual and uncommon. After examining the witness for a very long time indeed about the run of the tide, and its height on the spring, and finding that the witness asserted it rose so many feet, and run down at the rate of three knots and a half an hour, the hon. gentleman immediately transfers the scene of examination to England, and asks the witness about the Severne, the Thames, and the Humber, to the rapidity and flow of which the witness cannot particularly speak. What then is the conclusion to which the honourable gentleman points? That because the witness exactly describes the circumstances touching the Delaware, and does not undertake to describe the Thames and the Humber, that the proof of what he knows shall have no weight, because there is something else which he does not so correctly know, and therefore declines to describe. It would therefore rest with the committee, whether a run of tide of three knots and a half an hour was a stream sufficiently rapid to expose the fleet to imminent risque and danger, from the fire-gallies, ships, and rafts, the whole of the land defences, with the command of the *chevaux de frise*, &c. being at the time in possession of the enemy.

Another hon. gentleman [Mr. Eden] had put a very remarkable question to a noble Lord examined at the bar, [Lord Cornwallis.] He asked him if Sir Henry Clinton had been consulted on the southern expedition; or if not, whether Sir Henry had ever given any opinion respecting it, or a preference to the carrying on the operations of the campaign by the

the way of the North River, in order to co-operate with the army under the honourable General over the way, in his expedition from Canada?

If the honourable gentleman's question was framed in order to raise an inference against the southern expedition, he begged to contend, that it could not fairly support any conclusion one way or other. The measure was a wise one, or it was not. If it was, Sir Henry Clinton's opinion against it could not impeach the conduct of the person who planned it; if it was not a proper measure, it must be censured, though Sir Henry had privately or publicly approved of it.

The commander in chief stands responsible to that house and the nation at large, for his conduct; as such his measures were his own: he was not obliged to consult any man. He could not share his responsibility, nor was he bound by his opinions. Officers in subordinate situations were answerable only for the execution of the particular plans or services entrusted to their care. Besides, there was another very strong reason, which rendered any previous consultation unnecessary. Sir Henry Clinton was left at New York, and as occasion might offer, by making a diversion up the North River, was to co-operate with the army from Canada; so that coupling the personal responsibility of the commander in chief with the other arrangements respecting the defence of the province of New York, he could not possibly conceive what end it could answer to consult Sir Henry Clinton, who was to be engaged in distant operations, upon the propriety of approaching Philadelphia, by Chesapeak or the Delaware.

He did not mean to be understood to say whether Sir Henry Clinton was or was not consulted, or if he was, whether he was for or against the southern expedition, or the best mode of approaching Philadelphia? All he wished to impress upon the committee was merely this; that officers acting in responsible situations though they may, are not bound to consult subordinate officers, who cannot, from the nature and extent of their commands, be answerable for more than the execution of the particular measure with which they may be entrusted. Such is the case before the event takes place, and must continue to be the same after.

Mr. *Eden* rose and declared that the opinion now stated so ably by the noble Lord, differed widely from the sentiments he ever entertained of the proper conduct of a commander in chief, in circumstances such as had been described by his Lordship.

He said, he never spoke in that house but with infinite reluctance; but as he had been personally alluded to, he thought it was a respect due to the noble Lord and that house, to say a word or two in his own justification.

The question he put to the noble Lord at the bar [Lord Cornwallis] was in his opinion a very proper one; for though Sir Henry Clinton was not to be engaged in the southern expedition, before that measure was finally determined upon, one or both these events might have taken place; that the honourable commander in chief, having advised with him, Sir Henry's opinion might have induced him to change his plan and go to the northward, in which case Sir Henry, as a service of much greater importance than staying behind at New York, might have acted as second in command in the grand army. On the other hand, though the expedition to the southward should, in the breast of the commander in chief, have had the preference, yet it might be very proper for the latter to consult the person who, in case of death or any other accident, was to succeed him in the command. Previous to such a possible event, he thought it might have been very adviseable, that a confidence, concert, and general communication should subsist between those officers, because, if it should happen to take place, the successor to the command would come to it every way better informed and instructed.

Sir *Richard Sutton* said, he did not recollect that he put any improper question to Sir Andrew Hammond. That gentleman, to shew the danger the fleet and transports would have been subject to, if an attempt was made to land in the Delaware, on account of the rapidity of its stream conveying down fire-ships and fire-rafts, stated the run of the tide to be three knots and an half an hour. It struck him at the time, that the run was far from being rapid, as he believed several rivers in England run down with equal velocity and swiftness. To satisfy himself, and not doubting that Sir Andrew Hammond was acquainted with the current or flow of several rivers in England, he asked him concerning the Thames and the Humber, which he was led to imagine were not very rapid rivers, and believed run down at the rate of three knots and an half an hour. His questions were, therefore, by no means so framed as to impeach the fact stated by the witness, but rather to shew that other rivers, not deemed rapid, ran as fast down as the Delaware. This surely, as applied to the fact, was not extraneous to the subject matter; and he had reason to

believe

believe that he was well founded in his opinion, which by the most ingenious interpretation that could be put on it, amounted to no more than this, that what the witness deemed a rapid stream, he did not; for it would be found upon inquiry, that the Thames at Gravesend rises as high during the spring tides as the Delaware, and that it runs at the rate of three knots and an half an hour, at that place.

Governor *Johnstone* supported the questions put to the witness relative to the delay in the Delaware. When the witness stated the delay to be only three hours, the making any delay at all struck him, as if the noble Lord and honourable General were not determined what course to steer; whether round by Chesapeak, or directly up the Delaware. It struck him likewise, that the cause of this indetermination was the want of being properly informed of the land and water obstructions they might have to contend with. Taking the matter to be either way, he was free to agree, that the noble Lord and honourable Commander continued in a state of indecision which to adopt.

He had another reason, connected with the foregoing, for pressing the question on the witness, and it was this: Sir Andrew Hammond stated the time lost to be but three hours; now, if he was not grossly misinformed, it was a delay not of three, but seventeen hours; nay more, that it was not only so much time lost to no manner of purpose, but that it was risquing the whole fleet, men of war and transports, and of course the whole army. The channel was narrow and difficult, and in case of a gale of wind, or any other unforeseen accident, the most fatal consequences might have ensued.

He was eager to procure satisfaction on this point; for either the fleet and transports were wantonly hazarded, in a dangerous channel and boisterous sea, to no purpose, if the measure of proceeding by Chesapeak was previously determined, or until the fleet entered the river, no such resolution had been taken, which shewed that the commanders were not apprised of the defences in and on the banks of the Delaware. In any or either event, one thing would be certain, if his information was good, that a delay of seventeen hours, at such a critical period, was highly censurable.

Lord *Howe* said, the honourable gentleman's reasons were at an end, when he could assure him, that the fleet never anchored in the Delaware in its course to Chesapeak; that instead of being seventeen or three hours, the fleet was never

never in the Delaware a single minute, consequently the whole of the argument respecting the ignorance of the obstructions, and the presumed indetermination of him, and the honourable General near him, which course to steer, was totally unfounded.

It was true that he stood off the capes, in order to collect the whole force together; to send off a dispatch to Sir Henry Clinton; and to see if he could meet with any ships, vessels, or transports, to whom he might communicate his intention of going by Chesapeak, lest supposing him to be gone up the Delaware, they might fall into the hands of the enemy.

Mr. *Eden* then gave notice, that he would proceed to examine the witnesses moved for by his honourable friend [Mr. de Grey,] the preceding Thursday, when the committee should next meet.

General *Burgoyne* said, he was not prepared to proceed in the inquiry relative to the northern expedition, not having any expectation that the evidence of the honourable General and noble Lord would have been so suddenly closed. A noble Lord in the other house [Harrington], and another noble Lord, who served under him [Balcarras], had no notice to attend as that day, nor indeed any of the other witnesses; if the committee should therefore adjourn till the 20th, he would be prepared on that day to proceed.

Mr. *Eden* moved accordingly, that the chairman do report some progress, and that the committee be adjourned till the 20th.

Lord *Nugent* condemned the whole inquiry, from the beginning to the end. He moved that the chairman do leave the chair.

General *Burgoyne* then appealed to the justice of the house, whether, after the frequent calumnies, specific charges, and criminal accusations made against him, it would be proper to put an end to the committee? To his former argument he added, that if he could not be tried by a court-martial, if the inquiry should turn out in his disfavour, he might be expelled. An address to the throne to dismiss him from his situation in the army, or an impeachment might be preferred against him. All those were species of punishment which that house was competent to inflict; and he had his doubts that he might not be tried by a court-martial. But supposing that the house should decline to adopt any of those modes of punishment, might not the matter rest till the

the convention of Saratoga was finally ratified, which he understood from the noble Lord at the head of the American department, was in a fair way of being settled; and then, if the house should disapprove of his conduct, might not he be sent to a court-martial?

As to the noble Lord who moved for the dissolution of the committee, on account of newspaper calumnies, &c. the argument did not at all apply to him. He had been repeatedly charged in that house with the loss of the northern army. It was an heavy accusation, because it involved in it the subsequent misfortunes which had reduced this country to its present most calamitous situation. It was a charge of the first magnitude, and called for the fullest and most satisfactory proofs to support it.

But if, in the opinion of the committee, all further proceedings on his account must be stopped, he put in his claim for the brave, distinguished, and gallant officers who served under him, whose characters and conduct were severely and deeply wounded through his sides. A right honourable gentleman [Mr. Rigby] had, on a recent occasion, inflicted that wound on those gallant men. He had represented the terms of the convention in the most odious and disgraceful colours. Five thousand men, piling up their arms, and rendering themselves prisoners in the presence of a rabble, an undisciplined militia, he said, was the first instance of the kind known in the British annals. This was a stigma that could never be wiped off; should the inquiry terminate here, it was such a transaction, if not justified by the circumstances, as would render the general who commanded deserving of instant death, and every officer who consented to so ignominious and disgraceful a surrender, to be decimated. If upon no other account, therefore, he hoped, and he trusted so much to the love of justice which prevailed in that house, and which must come home to every man's feelings, that he might be permitted to rescue those gallant men who served with him, from that load of public odium they must for ever lie under, should the committee be dissolved.

A learned gentleman over the way [Lord Advocate of Scotland], though he had not laid any particular stress upon the mere act of surrendering at Saratoga, was no less open and direct in the censures he passed on the precedent steps which led to that surrender. He contended, not only that his orders to proceed to Albany were discretionary, but that

that he himself understood them to be so, and expected no co-operation on the side of New York, because he had written to Sir Henry Clinton for his advice and direction, which he would not have done, had he conceived his orders to have been peremptory; and he must have known by the letter from Sir William Howe to General Carleton, that he was not to look for any assistance from the grand army, before he passed the frontiers. If those facts thus urged could be supported, it was plain that his conduct was criminal, for it amounted to this; that he rushed upon certain ruin, though at liberty by his instructions to avoid it, by returning in time to Ticonderoga; and remained in his camp under the pretence of waiting for a co-operation which he did not expect.

Such being the charges made against him, in the face of the motion, by honourable gentlemen of very respectable character and abilities, he threw himself on the justice of the house, both on his own account, and that of the officers under his command, that he might be permitted to defend himself.

Mr. *Rigby* got up in great heat, and after giving his reasons that he thought the committee ought to be dissolved, the conduct of the noble and honourable commanders having, in his opinion, been perfectly cleared to the satisfaction of the house, as well from the papers on the table, as by the verbal evidence delivered at the bar, launched forth into the most violent criminating expressions of the military conduct of the honourable General who spoke last. He contended that the annals of this country did not furnish a similar instance of 5000 British troops piling up their arms in the presence of any enemy, much less such an enemy as that they had to contend with, an undisciplined militia. As to talking of going on with the inquiry, and if the committee should think proper to censure the honourable General, resting there till released by the convention of Saratoga, it was preposterous and absurd to the last degree. Oh! says the honourable gentleman, you may expel me! Expel him! was that a punishment adequate to the deserts of so high a criminal, should it be discovered that the loss of the northern army was justly imputable to him? We may address for his removal, or dismission; is that either an adequate punishment? We may impeach, granted; but can we punish? By no means; so that the request of the honourable General is briefly this; let us go on in a fruitless inquiry;

quiry; let the honourable General impeach the noble Lord [Germain] with impunity, because he knows he runs no risque, and see if he can fish out any one circumstance which may tend to throw a censure on the conduct of the noble Lord; and if he can criminate in the least degree, then he fancies he shall be able to throw the blame from himself, and lay it on the noble Lord.

He contended, that the honourable General sat in that house under the authority of a rebel Congress; because he could not sit or debate in that house but by their permission.

After other words to the same purport, he said, he was for the inquiry, so far as it related to the conduct of the noble Lord and the commander in chief; and would be so in respect of the honourable general who spoke last, if he was in a capacity to be tried; but as the noble Lord and the honourable commander had, in his opinion, been honourably acquitted, so far as the inquiry had gone; and as the honourable general who commanded the northern expedition could not be tried, he was most earnestly for putting an end to all further proceeding for the present. Not but, as he had always declared himself, whenever the honourable general was released from his present engagements to the American rebels, he thought the honourable general's conduct ought to undergo a very full and solemn investigation, that that house and the public should be enabled to discover the cause of the disgrace which the British arms suffered on that disastrous occasion, and of all the subsequent misfortunes which it brought after it in its train.

He differed totally from the honourable general, in supposing that animadversions thrown out upon his miscarriage, equally, or at all, affected those brave officers who served under him. He knew many of them, for whom he entertained the highest respect. He had a particular friend, the second in command [Major Gen. Phillips], whom he long knew and esteemed. It would be extremely unjust to censure him, who, by the honourable gentleman's own confession, had offered to force his way back to Ticonderoga, with a part of the army; and who would rather, he believed, devote himself to certain destruction, than consent to bring such an indelible disgrace on the British arms, as to agree to pile them up in the presence of an undisciplined militia.

General *Burgoyne* rose again, in reply to the last speaker. He said, the gentleman, not contented with his former general and injurious comments, had now boldly asserted direct

false-

falsehoods, and reasoned upon them. That now he threw himself upon the protection of the committee, confident that thus attacked, not a man would dissent from giving him an opportunity to prove, what he pledged his honour to prove, that the last charges of that gentleman [Mr. Rigby] were unfounded and malicious. That the British troops, stated to have been 5000 at Saratoga, were less than 2000, and those exhausted and sunk to the lowest ebb of bodily strength, by a continued course of almost unprecedented fatigue——They had been seven days and nights fighting, marching in the most severe weather, watching, famishing, without an hour's repose but with arms in their hands, and then exposed to the enemy's fire in every spot of ground they possessed; yet in such a situation, they offered themselves to death rather than accept dishonourable terms. The next false assertion the gentleman had been so unguarded in his passion to make, and even to appeal to papers upon your table, was, the offer of General Phillips to force his way to Ticonderoga with a part of the army. He was astonished to find any heat could betray a gentleman into an expression so directly contrary to truth. There was no such word in any paper. The offer of General Phillips (a most generous one, like all his other actions), was, with a single guide, to attempt an escape to Ticonderoga, in order to put himself at the head of the garrison there to defend the place. He would prove this fact; and even this offer became impracticable.

A third positive falsehood was the state the gentleman had given of Mr. Gates's army. He would prove that they consisted of above four to one in numbers, and that they were disciplined steady soldiers.

He would further prove that there was not a dissenting voice among his brave companions, the general and field officers, in rejecting the terms offered by Mr. Gates, nor of subscribing to those proposed and digested in our councils of war.

He said, he was tempted to enlarge upon the violent speech of that gentleman, but could trust his temper no further, and would leave him to the judgment of the committee who had heard his charges, and the refutation of them.

Mr. *Fox* now rose, and most earnestly implored the justice of the House in favour of the honourable gentleman who had just sat down.

The first point to be considered was, can the honourable General be tried by a court-martial, situated as he is in respect of the Congress? or if he cannot, will it be proper to inquire

quired into his conduct in this house till he is released from his present engagement to the Congress?

In his opinion, we could send him to a court-martial, by making a suitable return in either number and quality; that we most clearly could proceed against, try and punish him, for state or criminal offences; and although we could not, that the inquiry ought to go on, and if further proceedings relative to the honourable general should be thought necessary, they might be suspended, till the only impediment, real or pretended, which at present stood in the way, should be removed.

He had heard no one sound reason yet urged to shew, that the honourable commander might not be tried this instant. He knew no law which exempted an officer from a military tribunal. The right honourable gentleman had charged him with offences of a very criminal nature indeed; with disgracing the arms of his country, with rendering into the hands of its enemy an whole army. He would just make one supposition more, equally well founded, he was inclined to believe, with any of those he had enumerated. He would suppose, that to the other imputed and disgraceful offences, the honourable commander had been charged with and suspected of treachery, what would be the effect of the right honourable gentleman's doctrine? That after betraying his country, he might return to it when he pleased with impunity; and it would nevertheless be in the power of those to whom he betrayed it, to protect him by refusing to release or exchange him. This case, which as to the fact of treachery, had often happened before, and might happen again, plainly pointed out the absurdity of contending that a military man, as soon as he becomes a prisoner, is no longer a member of the community, owes it no allegiance, and stands exempt from every species of punishment, be his crimes ever so base or atrocious, if the party to whom he has surrendered himself a prisoner thinks proper to protect him in his infamy and guilt.

But, says the right honourable gentleman, on the second head, that of civil inquiry and subsequent punishment, What signifies expelling him? what signifies addressing the crown to dismiss him from his post and command in the army? Such punishments are by no means adequate to the magnitude of his crimes, should the charges be made good; and as to an impeachment, what an idle farce it would be, to impeach a man, when you cannot punish him!

Here the right honourable gentleman was indeed extremely unfortunate and hard set to keep up even the colour of an argument; expulsion is nothing; dismissing him from his station

station in the army is nothing; an impeachment he confessed would be something, if the hands of justice were not tied. You may impeach, perhaps, but you cannot punish.

Here then were a string of assertions, equally contradictory to the feelings and judgment of mankind. Who but the right honourable gentleman would gravely assert, that expulsion was no punishment, or depriving an officer of the fruits of four or five and thirty years service, the rank of Lieutenant-General in the army, and a regiment of cavalry, attended with circumstances of disgrace, were no punishment? Or how was it possible to conceive that the same power which could impeach could not punish? On the contrary, was it not self evident to the most moderate capacity, that at this instant the honourable general was amenable to the laws of his country, and was as liable to be tried and punished for a breach of them, as any other man in this kingdom? It was indeed a most extraordinary argument, that the worst or most vicious man, as soon as by management or treachery he became a prisoner, had no more to do than instantly to return to his own country and commit every crime the most corrupt heart might suggest, and yet evade the punishment annexed to the commission of such horrid offences.

He was ashamed to spend a moment of his time, or that of the house, in refuting such palpable absurdities. If the honourable general was amenable to inferior tribunals, he was of course amenable to the first tribunal of criminal justice in the kingdom, that of Parliament, where he was liable to be tried on an impeachment preferred by one house, to be heard and decided upon by the other, or by a bill of pains and penalties; so that either principle was equally fallacious and ill founded. He might be tried for treachery or disobedience of orders by a military tribunal; he might be expelled; he might be dismissed. He might be tried in a court of criminal justice for offences properly and solely cognizeable there; or he might be tried and punished by Parliament.

The right honourable gentleman, with that confidence and authority in which he usually delivers his opinion, says, the honourable general sits and votes in that house at the will and by the permission of a rebel Congress; but, as in all the foregoing instances, has forgot to adduce a syllable of proof in support of his assertion. What book is it on the credit of which he hazards such an opinion? Is it on the authority of any great writer on the law of nations? He was certain not. On the contrary, it was well known, that a noble Lord [Lord Frederick Cavendish] who was made prisoner at St. Cas,

Cas, on the coast of France, during the late war, having entertained some doubts whether, being on his parole in England, he was, as a prisoner, at liberty to attend his duty in Parliament; and having communicated his doubts on the subject to the court of France, the answer he received was, that sitting and voting in Parliament would be no more a breach of his parole, than getting his wife with child.

He then proceeded to the last point, that of going on with the enquiry, on the supposition that the honourable general could not be punished till released from the convention of Saratoga, and suspending any further proceeding till that event should take place. This, though an unnecessary condition, if there should appear any thing even doubtful, would answer every end. If the honourable general's conduct should call for a military tribunal, a very few weeks (perhaps at this very instant he stood disengaged to the Congress,) would subject him to an enquiry; or, on the other hand, if, in the opinion of the house, it should be found that no blame was imputable to him, but that the miscarriage of the expedition from Canada was owing to the ignorance and incapacity of the ministers who planned it, and not to the general intrusted with its execution, then it would be proper that the justice of the nation should take place, and those men who had been the cause of the loss of America, of so much blood and treasure, a foreign war with a powerful enemy, and a threatened war with another powerful enemy, be brought to condign punishment.

He allowed it would be rather premature to give an opinion one way or the other: but if ministers persisted, and, by their irresistible influence and power of numbers, should carry the question against any farther inquiry, it would be to him the fullest demonstration that they were conscious of their own guilt, and on that account, and that alone, fled from the inquiry.

The noble Lord who moved the present question moved it for the third time. The noble lord in the blue ribbon, more reserved, but equally desirous to prevent it, refused to co-operate, but took care as effectually to defeat the proper object of the inquiry as if he had moved for its dissolution. When the motion for resuming the same question was moved by his honourable friend near him [Col. Barré] the same noble Lord moved the order of the day, and was openly abetted by the noble Lord in the blue ribbon. The right honourable gentleman below him, who this day took

such different ground, differed from his friends, and the two noble Lords were obliged to submit; now for the third time the same noble Lord had made a similar attempt, and the noble Lord in the blue ribbon affects a kind of sullen silence or indifference; but whether the noble Lord shall rise or not, the principle and object of these various attempts have been uniform, that of defeating the inquiry, and thereby evading the justice of the nation.

He conjured the house, as they regarded their own honour, their character without doors, and the opinions of mankind, to at least preserve appearances. If, at all events and hazards to themselves and the public, they were determined to support the present set of ministers in power, he recommended to do so by a vote of acquittal after inquiry; and not, by a servile acquiescence, sacrifice the very appearance of justice, and the forms of their proceedings.

Before he sat down, he begged that the right honourable gentleman who took so conspicuous a part in the present debate, would reflect a little, and endeavour to reconcile his present conduct to that adopted by him the last day the question was discussed; otherwise it would have a very strange appearance, to be for suppressing an inquiry, the necessity of which he had so warmly urged but a few days since; nay, indeed, it would be little short of a direct desertion of all his former principles and professions, respecting the conduct of the American war, for the last eighteen months or two years; for as often as ever the question was agitated, his constant language was, that there was blame somewhere; and that it was of course highly becoming that house, and an indispensable duty to trace it to its source, and discover who were the authors of our national misfortunes.

Governor *Johnstone* observed, that there was no distinguishing the case of the honourable general from the commander in chief; the southern and the northern expeditions formed separate parts of one great whole. The enquiry did not merely confine itself to the cause of the loss of the army at Saratoga, though that itself was of infinite importance, nor to the delays which rendered our advantages in Pennsylvania less decisive than might otherwise be expected; but to learn the reason why the honourable general had not an effectual co-operation up the North River. He was free to say, that this misunderstanding between the commander in chief and the honourable general to whom the expedition was entrusted, was the great source of all our subsequent misfortunes.

A plan

A plan is agreed to in the cabinet, for a certain force to proceed to Albany, under the idea of a co-operation, by a part, or the whole of the grand army; the general proceeds to take upon him the command; under that idea, his arrangements, both without the province, and before he passes the frontier, are correspondent with this pre-supposition; and it is not till after half the campaign is over that he learns, by a letter from the commander in chief, that the main army is destined for the southward, and that he is to expect no effectual assistance from him. Here then was the very jut of the inquiry. How happened it that the honourable general below him was commanded to force his way to Albany at all events, and effect a junction with Sir William Howe, while it was evident that, long before the operations of the northern army commenced, Sir William Howe was resolved to go to the southward? In the words of the right honourable gentleman on the floor, [Mr. Rigby,] there must have been "a fault somewhere;" though without giving the honourable general the liberty of justifying or vindicating his character, he seemed warmly disposed to leave it at his door, and equally desirous to acquit, without inquiry, the commander in chief.

He affirmed, that the want of co-operation was the cause of the loss of the campaign; and before either the commander in chief, or the honourable general, could be justified in the opinion of that house and the nation, the propriety of going to the southward, instead of going up the North River, must be demonstrated. Secondly, the honourable general must shew, that his orders were peremptory; he meant not literally so; and that, when he discovered that he was to expect no effectual assistance from the grand army, or that left in New-York province, that his orders were such as would not permit him to return, consistent with his duty to his Sovereign, and the general usages of service. If both those facts were properly established, it would then rest with administration to shew on what motives they acted, and how they came to have risqued so inadequate a force in the execution of so difficult and hazardous an enterprize.

He never entertained a second opinion on the campaign of 1777; he gave it early and openly, and had neither heard nor read a syllable hitherto on the subject sufficient to induce him to change it. A very respectable witness at the bar, an officer of high rank, [General Gray,] had endeavoured to shew that the expedition to the northward did not present so good a prospect of success as that to the southward. It

might be so; no evidence had as yet been received but on one side, and even that, however strong, did not seem to him fully satisfactory; for his part, therefore, he thought it highly incumbent upon ministers to set their faces against the motion made by the noble Lord; for the natural conclusion would be, that they had neither cleared themselves, nor acknowledged the justification of the commander in chief.

An honourable friend of his [Mr. Fox] had pressed, with his usual ability, the propriety of relinquishing in future all further thoughts of bringing back the United States to their former state of obedience; because, said he, should the committee be dissolved, it will be an acknowledgement that America is invincible, and an avowal, that although the force was apparently adequate, the measures wisely planned and ably executed, that the whole failed through difficulties insurmountable and permanent. This argument, however specious as employed against ministers, did not make the same impression on his mind, because he did not subscribe to the premises; he believed, on the contrary, that the plans were defective in more than one instance, and in the execution in many instances; and that was his chief motive for rising in the present debate, and he begged leave to state his reasons.

The general officer examined at the bar, with every other professional man who gave evidence, in a greater or less degree endeavoured to establish the following facts. That every measure was ably and faithfully executed; that abandoning the Jerseys and going to sea, was the proper mode of possessing the province of Pennsylvania; that the landing in Chesapeak was preferable to the landing in the Delaware; that the operations were impracticable and difficult, and held out no rational prospect of success; that the country was fortified so strongly by nature, as to render success highly improbable with any force we could send out or procure; and that "the people were almost unanimous in their resistance, and were determined never again to return to their former connexion with the present state."

It was unnecessary to enter into particulars, this was the sum, substance, and uninterrupted stream of the facts and opinions delivered at the bar. Those opinions, if not contradicted, would get out in the world as so many established facts. If then all farther evidence should be stopped, on what ground or even pretence can we continue the war? None at all that he could see. It was to meet those opinions that he

he wished most sincerely that the committee would proceed, and that evidence of equal authority should be opposed to those opinions, to shew that great numbers, he would not undertake to say a majority, of the people in the united colonies, were loyally and well disposed to Great Britain; and that it was not yet too late, nor was the cause so desperate, as to forbid all hopes of bringing the body of the people back to their duty. On this ground he thought himself fully justified in giving his negative to the motion made by the noble Lord, that the chairman do leave the chair.

Earl *Nugent* said, he by no means wished to oppress any man, or preclude the honourable general from an opportunity of vindicating his conduct. All he said was, what he still adhered to, that he thought it was impossible to try him, consistent with the law of nations and usages of war; and if it was impossible, any farther progress in the inquiry would be nugatory and absurd.

As to the commander in chief and his noble brother, he never suspected that they had not acquitted themselves as able and judicious officers; so the evidence at the bar fully confirmed his pre-conceived opinions of their high deserts and very meritorious services. He vowed to God, he did not believe there was any fault any where, unless in the misfortune and loss of the northern army, which he was far from attributing to the commander. He might have misconceived the tenor of his orders, or formed expectations in which he was not well founded. Be that as it may, this house was not, at so late a period in the session, the proper place to discuss such a subject, particularly as the honourable general could not be tried; for he was clear he could not, notwithstanding the very ingenious arguments of the honourable gentleman over the way [Mr. Fox], and as to expulsions, dismissions, and impeachments, they were not the legal or constitutional means of proceeding on charges of military misconduct. The law had established another tribunal, specially appointed for the purpose, and as soon as the honourable general became amenable to that tribunal, he made no doubt but he would have the earliest opportunity of vindicating his conduct, by a fair and indifferent trial. When he heard the decision of his judges, he would determine; till then, informed as he was, and incompetent to decide on such a subject, after the fullest information, he should suspend any opinion either way.

Mr. *Eden* said, he was much surprized when he heard the proposition made by the noble Lord for dissolving the committee; several witnesses had been examined, who all in a great measure concurred, that the war in America was impracticable, and the force sent thither inadequate, and that a great majority of the people were averse to a British government. Several witnesses were summoned to be examined touching those points, and now when the committee was just in that stage to receive their evidence, a motion was made to put an end to the inquiry. This he thought was a very extraordinary mode of proceeding, being equally repugnant to justice and common sense; and if he had foreseen that any such thing was intended, he assured the noble Lord, that, instead of moving to report progress, he would have instantly moved for calling the witnesses to the bar.

But, independent of the part of the inquiry in which he seemed to take an interest himself, he could not help thinking that it would be doing a manifest injury to the honourable general, not to permit him to enter into a justification of his conduct. Repeated accusations of a very weighty nature had been made against him, accusations which ought not to be permitted in that house, unless they were intended to be followed up by suitable proofs and full investigations; and for his part, he would for one have called the right honourable gentleman on the floor to order the last day, had he foreseen, that while he was passing such direct and unqualified censures on the honourable general, he was resolved to preclude him the only means left in his power of defending himself against such accusations; namely, the place they were made, and in the presence of those who heard them.

Mr. *Rigby* rose once more, and replied to several of the arguments used by Mr. Fox. He said, that as soon as the honourable general arrived in England, a board of general officers was convened, who unanimously agreed that he could not be tried till released from his engagement to the Congress; and he remembered an instance himself, which, as to the mode of proceeding, was exactly similar to the present; that was a board of inquiry instituted to inquire into the conduct of Sir John Mordaunt, after his expedition to the coast of France in the year 1757; and it could hardly be expected that an officer of Sir John Mordaunt's rank, experience and consequence, would submit his conduct to the decision of an illegal tribunal.

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The honourable gentleman had charged him with versatility and change of sentiment respecting the present inquiry. For his part, he ever entertained but one opinion, which was, that no inquiry ought to have taken place, in respect of the honourable general, till released from the terms of the Saratoga convention, and none at all in respect to the commander in chief, as no accusation had been made against him; but when the noble Lord, the American Secretary, made a specific accusation against the commander in chief, the instant it presented itself, that made it incumbent on the house to permit him to meet that accusation with necessary proofs. The commander in chief had fully justified himself, in his opinion; consequently, for the reason before assigned, he resumed his former sentiments, that the committee had no further object to inquire into.

The honourable gentleman had given him a general credit for the consistency of his political conduct. He hoped he should endeavour to deserve it, and he had not deviated from it in the present instance.

The honourable gentleman had reminded him of an expression of his, "that there was a fault somewhere," and it ought to be strictly inquired into and examined. He granted that he had often said so; but denied that the expression related to the conduct of the commander in chief, but was solely confined to the misfortune of Saratoga. He retained the same opinion still; he thought there was a fault somewhere; and if the honourable general who commanded the expedition from Canada, should be honourably acquitted, then it would rest with the noble Lord who planned it to answer for the consequences. He pledged himself, should that event ever take place, he would be one of the first to move for an inquiry into the conduct of the noble Lord.

The honourable general had endeavoured to convict him of a mistake, by saying that the British did not exceed two thousand. He spoke in a hurry; what he meant was, that the whole army which piled up their arms, native and foreign, consisted of five thousand men, which, he would again assert, was a circumstance unparalleled in the British annals.

He replied to a great number of particulars of less consequence, and said, he did not see any reason for proceeding further, but that of giving the public satisfaction, which, let the matter turn out as it might, was entitled to know the causes of our misfortunes.

A difficulty arising whether the committee could proceed upon Lord Nugent's motion, as it had not been seconded, the chairman stated the doubt as a point of order, said there were opinions on both sides, and wished for the sense of the committee on the subject; but the motion being now seconded, the doubt, of course, no longer subsisted.

Lord *George Germain* gave the decisive turn to the debate, which seemed to hang in suspence. He said, that he thought the honourable general who commanded the northern expedition was entitled to be heard. He had been strongly accused, both on the present day and before; and justice demanded that he should be heard in his defence. Facts had been stated in evidence at the bar, which nearly affected himself, as responsible minister for the American department; and charges had been made by some of those witnesses against a very deserving part of his Majesty's subjects, both in this kingdom and America; he meant those brave and deserving men, who had, by their presence in the field, and their services elsewhere, risqued their lives, properties and dearest connexions, in support of the constitutional rights of this country over our rebellious colonies; so that in every light of justice, he hoped that the honourable general would be suffered to be heard; he hoped that he might be permitted to enter into his own justification; he hoped the loyal Americans, in behalf of their brethren in America, who were fighting our battles, and suffering under every species of tyranny and oppression, would be permitted to prove their principles. It was a justice due to individuals, it was a justice due to that house, but, above all, it was a duty we owed to our country, which no motive of convenience, or any subordinate consideration, could excuse us from fulfilling.

He confessed he was against the inquiry, but only in point of time, for it must have made its way into discussion some time or other; but now that we had proceeded so far, he hoped, upon reconsideration and reflection, that there would not be a second person found in that house to oppose it.

The Lord Advocate of Scotland [Mr. Dundas], spoke to the same purport; and Lord Nugent's motion being negatived almost unanimously, Mr. Eden's motion for reporting some progress, was agreed to without a single dissenting voice. It was settled at the rising of the committee to adjourn to Thursday the 20th, on which day General Burgoyne gave notice that he would enter into his defence.

May

May 19.

Tax bills read: no debate.

After some private business, Lord *North*, unexpectedly, moved "for leave to bring in a bill for empowering the honourable the united East India company to hold their territorial possessions for a certain longer time to be therein specified;" as the affairs of that great company could not receive a thorough investigation till next year, when a new charter will be requisite for them, his Lordship said, the present bill he thought necessary, and he should at the proper time propose it for twelve months; and he should also recommend a clause for preventing the company from making a dividend of more than eight per cent. in order that they might not disable themselves next year from giving that premium they ought to give the public for a renewal of their charter.

Right hon. *T. Townshend* spoke against the motion, as made by surprise, when few members were present; and wondered much the noble Lord had not mentioned it before the last adjournment, when the house were somewhat at leisure, and might have attended to it.

Col. *Barré* wished to know what was become of the negociable securities on the India company, by which 1,200,000l. were to have been raised, as the noble Lord mentioned to the house when he opened his budget.

Lord *North* said, that the mode alluded to for raising the 1,200,000l. had not been approved by the company; he therefore intended to raise that sum on the credit of the Exchequer.

Lord *Newhaven* wished to know to whom the territorial revenues belonged?

Lord *North* answered, that it was a point yet unsettled*.

Colonel

* A recapitulation of a few antecedent facts, respecting the Company, will not in this place be improper. In the year 1772, the Company's affairs were, in consequence of bad management, in a very confused and distracted situation. To relieve them in their then difficulties, they applied to government for the loan of a sum of money. The ministry referred them to Parliament. A committee of inquiry into their affairs was appointed. On the 7th of December 1772, this committee reported, that, notwithstanding the distresses of

Colonel *Barré* expressed his surprise, that a question of such importance should be moved in a thin house, though it was in fact both a little and a great question; it was a great question considered abstractly by itself, and it was a little question when put in competition with what it was intended to lead to. But little or great questions, at all times and seasons, whether in full or thin houses, were, he said, the noble Lord's triumph. He then took notice of the minister's interference in the concerns of the East India Company, and asserted that he had filched away the patronage of that great and opulent body.

Lord *North* said to the right honourable gentleman, that he did him great injustice. Had he made the motion on any of the great days, he should have been informed, that he ought not

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of the Company, they were on the eve of sending an expensive supervision to India, to correct the misconduct of their servants there, who had been the cause, they said, of their distresses; but that they *ought* to be restrained from so doing. A bill was accordingly brought in, and passed into a law. This interposition of the ministry in the internal management of the Company's affairs, shewed manifestly that it was intended to take an advantage of the Company's application for assistance. The Company's request of the loan of a sum of money was complied with. But, contrary to the Company's proposals, it was resolved, March 23, 1773, to restrain their future dividends. The proprietors now said it was obvious from this resolution, that the ministry intended to take possession of the Company's territorial acquisitions. And on the 5th of April 1773, Lord North moved in the house of Commons, by way of resolution, "That it is the opinion of this house, it will be more beneficial for the Public and the Company to *let* the territorial acquisitions remain in the possession of the Company six years longer." The reason his Lordship gave for fixing upon this period was, that the Company's present charter would expire in the year 1780. On the 3d of May 1773, resolutions were moved for altering the elections of the directors, for taking away the right of voting from every proprietor who had not a thousand pound stock, for creating a new court of law in India, and for giving to the King the appointment of the judges. They all passed into a law. This is a short narrative as to facts and dates of the revolution in the East India Company.

not to have done it when other great business was before the house. He was therefore obliged to make it when he could find an opportunity. He had never filched or sought the patronage. His situation indeed as a minister, a situation he had not placed himself in, nor wished to occupy, gave him a sort of relationship to the company, but the patronage of it was not in him. The crown, it was true, approved of their officers, because so directed by act of Parliament; but the company made choice of them, and the nomination of those that had been appointed had come from the directors of the company. He had, he would allow, sometimes recommended, and his friends had sometimes been obliged, but the patronage of the company was not in him.

Colonel *Barré* repeated his words, that the noble Lord had filched the patronage of the company; for, when he invited them to borrow money, under the pretence of saving them from a state of bankruptcy, he saw how the noble Lord was fishing for it. He desired his Lordship to recollect if he did not, at that time, forewarn him of his designs, and whether he did not declare that he never wished to interfere with the company. But how stood the case? The noble Lord indeed had made bold assertions, but the patronage of the company was with him. He had interfered in their appointment from the greatest to the lowest. He knew this, and he would prove it, if desired, at the bar of the house.

He knew very well how the noble Lord could play with a question, and twist it about. "His Lordship is cunning, and though not of a slim make, will slip through your fingers, if you do not watch him, like an eel." He was here called to order, when Lord North got up, and begged he might proceed, upon which Colonel Barré, addressing the Speaker, said, he would sit down for ever before he would go on at the permission of the minister.

Mr. Serjeant Adair and Sir George Yonge respectively urged the impropriety of the motion. The first, because that no notice had been given of it; and the last, because it did not appear to have the assent of the company.

The question was now put, and leave granted, without a division, to Lord North, for bringing in the bill.

May 20.

Lord *North* presented the India bill.

Lord *Beauchamp* moved for leave to bring in a bill to prevent arrests for debts under ten pounds.

Mr. *Dunning* seconded the motion.

The bill was brought in, and passed into a law.

The

The house resolved itself into a committee on the American Correspondence; Frederick Montagu, Esq. in the chair.

General *Burgoyne*. Before I enter upon the narrative, which the precedent of your late proceedings authorises me to lay before you, I think it a duty to the committee, to promise that I shall trouble them with little other matter than such as may be necessary to elucidate the transactions of the campaign 1777, in that quarter I commanded.

I shall keep in mind, that to investigate the causes of the disasters at Saratoga, is the principal point to which all evidence ought to lead; but, at the same time, I shall take confidence in the justice and benevolence of my hearers, that where arguments in exculpation of the commander can aptly be combined with a faithful representation of facts, they will not be deemed impertinent.

Upon these ideas, though some introductory explanations are requisite, I shall suppress the inclination I at first conceived, of stating my conduct from the time when, conjointly with my honourable friend who took the lead in this inquiry, I was called to the unsolicited and unwelcome service in America; nor will I enumerate the complicated circumstances of private misfortune and ill health, under which I pursued it. Prudence, as well as other propriety, is, I confess, consulted in this suppression; for were it seen that an officer had invariably blended with the respect due to authority, warm, though disinterested personal attachments; that, under a persuasion of the merits of the King's servants, he had united to his zeal for the public cause, an interest in their private honour and ambition; would it not be conceived that his guilt must be of an impression beyond all excuse or palliation, to induce the very men to whom his faculties had been thus devoted, not only completely to desert him, but to preclude him, as far as in them lay, from every means of defence, and, if possible, to ruin him in the opinion of the King, the army, and the country.

A respect to the time of the committee would also dissuade me from recurring to any points previous to my instructions that have been discussed heretofore, were it not that I find great stress is still laid to my prejudice, upon a paper which found its way into the house during my absence. I mean the private letter to the noble Lord, Secretary for the American department, dated 1st January 1777.

The noble Lord has frequently stated that letter to have slipped inadvertently into the parcel destined for the house, and

I gave

I gave him credit for that assertion; because, whatever other impressions he might have found it in his interest to establish respecting me, he certainly would not have thought the principal injury to which that letter had tended, a proper one for him to put forward; it is a notorious fact, or I would not mention it, that it has been held a reflection upon my character (by the part of the public with whom the noble Lord is unpopular) that I addressed him as a patron and friend.

This is an imputation to which I must plead guilty; for at the time I wrote that letter, I certainly did hold that noble Lord as my friend, and acted to deserve he should be so.—The next ill tendency of that paper was, as the noble Lord well knows, to convey that I was endeavouring to supplant Sir Guy Carleton in the command of the Northern army—an action abhorrent to honour and the liberality of a gentleman; and of which, thank God, I can prove the falsehood, by irrefragable evidence upon your table, and in very small compass. I need only refer to the dispatches to Sir Guy Carleton, by his aid-de-camp, dated 22d August 1776, four months before I came home, to shew that it was at that time determined that Sir Guy Carleton should remain in Canada; and that determination was made, as I have been informed, not only upon the political reasoning which appears in that dispatch, but also upon great law opinions, that he could not, under the commission he then held under the great seal, pass the frontiers of his province. Sir, this confutation was urged by me last year; and, were collateral proofs necessary to my justification upon this subject, I could bring to your bar a tribe of gentlemen, who had imbibed impressions not very favourable to the military proceedings of Sir Guy Carleton, in the campaign of 1776; I could shew that I seized numberless, indeed I seized every possible occasion to vindicate the judgment, the assiduity, the activity of that highly respectable officer, careless how ill I paid my court, earnest to meet every attack against his fame.

I beg leave also to call the attention of the committee very particularly to one other paper, the date of which is previous to my departure from England; it is intitled, "Thoughts for conducting the war from the side of Canada, by Lieutenant-General Burgoyne." Sir, it will be in the recollection of the committee, whether, when the conduct of the war was under consideration last year, in my absence, it was not understood that the plan of the northern expedition was formed upon that paper, as produced upon your table. If so, I must

ask

ask the noble Lord why he suffered that error to prevail? The noble Lord knew, (and it was peculiarly his duty to declare it,) that the two proposals, the first of turning the expedition eventually towards Connecticut, and the second of embarking the army in the river St. Lawrence, in order to effect a junction with Sir William Howe by sea, in case the attempt by land appeared "impracticable or too hazardous," were erased while the paper was in his Lordship's hands.

From that paper, as it appeared without erasures, naturally arose the conclusion, that the plan I had to execute was completely my own. Upon that paper were founded, as naturally, the doubts which have been entertained upon the peremptory tenor of my instructions. I must again ask the noble Lord, upon what principle of justice he suffered those impressions to exist in this house? Why, in a debate in which he took a part, did he conceal that the circumstances in reality were totally different from those upon which gentlemen reasoned; that the discretion reserved in the paper before the house was taken away, and consequently that my orders were rendered absolute in the strictest sense by the alterations.

Let any gentleman who has supposed I had an implied latitude for my conduct, now compare this circumstance with the wording of the letter to Sir Guy Carleton, dated March 26, 1777, with a copy of which I was furnished, and extracts from which were afterwards the only orders I had to act upon. I shall take no particular notice of what is called the saving clause, in the latter part of the orders, except to give the flattest contradiction to the supposition that I dictated it; a suggestion that I know is still circulated. I have spoke to it very fully upon a former occasion*, and I do not wish, when it can be avoided, to enforce or reiterate the charges of duplicity and treachery which must ensue if that clause could be supposed to have reference to any conduct previous to my arrival at Albany. The impression made upon my mind, by the circumstance of forbidding me each latitude I had proposed in my plan, and many other circumstances clearly indicating the decided intentions and expectations of the ministers, rendered the sense of the whole order taken together clear and distinct, and shewed that the clause which is pretended to have left me a discretion as to my main object, had no sort of relation to that object. That clause evidently related

* The debate upon Mr. Viner's motion, May 28, 1778.

related not to my forcing my way, or not forcing it, to Albany the place of my destination, but to such collateral and eventual operations as might be adviseable in the course of my march. It related to the making impression upon the rebels, and bringing them to obedience, in such a manner as exigencies might require, and in my judgment might seem most proper, previous to receiving orders from Sir William Howe of my junction, with whom I was never to lose view.

Notwithstanding there has been so much discussion in debate and print, upon the interpretation of absolute orders, the committee, I am confident, will absolve me, though at the expence of a few moments more, I should continue a subject upon which the merit or blame of the future proceedings in great measure rests.

I do not admit the position, that there can be no case in which an officer, acting at a distance, is bound at every hazard to pursue orders that appear absolute and decisive. It is easy to conceive circumstances which might justify a state, in hazarding an army for the sake of facilitating great and decisive objects. Gentlemen conversant in military history will recollect many examples of this principle. Upon a former occasion I stated a supposed case*, and I now entreat leave to add a real example of peremptory orders which happened in the course of my own service. I have ever retained the impression that the circumstance I am going to relate, made upon my mind at the time, and to those who think that, in any part of my conduct, I rashly risk my peace, my interest, or my fame, to forward the wishes of others, this prepossession may in some measure account for, and excuse my imprudence.

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* The case alluded to was put in a former debate, as follows: Suppose the British army, that invaded Britany in 1758, had gained a complete victory over the Duke d'Aiguillon, to have marched rapidly towards Paris, abandoning the communication with the fleet, exposing the army possibly to great want of provision, and to the impracticability of retreat, would certainly have been a measure consummately desperate and unjustifiable, if tried upon military system; yet will any man say, that if that measure must evidently have produced such alarm and confusion in the heart of France, as to have compelled the recall of her whole force from Germany, or such part of it as would have given uncontrouled scope to the armies under the King of Prussia and Prince Ferdinand, that the minister of England would not have been judicious, though at the palpable risk of the army, as far as capture was concerned, in ordering the General to proceed by the most *vigorous exertions*, and to force his way to Paris?

In the campaign of 1762 in Portugal, the Count La Lippe, a name, which, if it finds a due historian, will stand among the first in military fame, was placed at the head of about 6000 British troops, and a Portuguese army, the greater part of which was little better than nominal, to defend an extensive frontier against the whole force of Spain, and a large body of the veteran troops of France. The salvation of Portugal depended solely on the capacity of that great man, which united the deepest political reasoning with exquisite military address.

I had the honour to be entrusted with the defence of the most important pass upon the Tagus, and my orders were peremptory, to maintain it against any numbers, and to the last man.

A select corps of the enemy, greatly superior to mine, were encamped within sight on the other side of the river, and our advanced posts were within half musquet shot.

In this situation, I received intelligence from Count La Lippe, of a design of the enemy to pass the Tagus in force, about six miles above me, and to take possession of the open country in my rear, with a large corps of cavalry, by which means all communication, supply, or safe retreat, would be cut off.

Together with this intelligence, the Count's letter expressed, "That every delay to the enemy in getting possession of the pass I guarded, was so material to his other plans and operations, that it justified a deviation from systematic rules; that, therefore, after taking timely precautions to secure the retreat of my cavalry, I must abide the consequence with the infantry; that, at the last extremity, I must abandon my cannon, camp, &c. and with such provision as the men could carry upon their backs, throw myself into the mountains upon my left, and endeavour, by small and dispersed parties, to gain a rendezvous at the northern part of the province." I must observe, that when these peremptory orders were given, the commander was at a distance that made all timely communication of circumstances as impossible as if the Atlantic had been between us; and I cannot close the example without mentioning the concluding part of Count La Lippe's letter. "He participated," he said, "in the feelings with which an officer would be struck for his reputation, in suffering himself to be cut and reduced to sacrifice his camp, his baggage, and twenty pieces of cannon. *But be at ease,*" continued that great and generous man, "*I will take the measure*

sure entirely upon myself, persevere as I have directed, and be confident of my defence and protection." This was a saving clause, of a nature very different from those it is the practice in the present day to pen; and if any man doubts the quotation, I can bring positive evidence to the truth of it verbatim.

Thus much, Sir, I thought it incumbent upon me to state in argument against the position that has been insisted upon, that no orders can be worded so peremptorily at a distance, as not to admit of an implied latitude, in case of unforeseen and insurmountable difficulties: but to prevent all future cavil, upon this subject, I request the committee to recollect, what I have again and again repeated, that I by no means put my defence, in passing the Hudson's River, solely upon this reasoning. On the contrary, supposing for the argument's sake, I should concede (which I never have done, nor mean to do) to the noble Lord, and to every other gentleman, all they can desire to assume upon implied latitude in given cases, I should equally prove that no such case did exist, as would have justified me upon their own principle in desisting from the letter of the orders under which I acted.

Having thus cleared my way to the time of my leaving England, to take upon me the command of the northern expedition, I shall now lay before the committee a narrative of its progress, in as concise and simple terms as the nature of the subject will allow, endeavouring to imitate the perspicuity of the honourable gentleman who took the lead in this business, and not without hope of my endeavours obtaining the same effect; and that in the persuasion of the house, my language, as has been expressed of his, will be deemed the language of truth.

NARRATIVE.

IT is my intention, for the more ready comprehension of the whole subject, to divide it into three periods. The first, from my appointment to the command, to the end of the pursuit of the enemy from Ticonderoga; the second, from that time to the passage of the Hudson's River; and the third, to the signing the convention.

I left London on the 27th of March, and upon my departure from Plymouth, finding the Albion man of war ready to sail for New-York, I wrote to Sir William Howe by that conveyance, upon the subject of my expedition, and the nature of my orders. I arrived at Quebec the 6th of May.

Sir Guy Carleton immediately put under my command the troops destined for the expedition, and committed to my management the preparatory arrangements. From thence I wrote a second letter to Sir William Howe, wherein I recapitulated that I was entrusted with the command of the army destined to march from Canada, and that my orders were to force a junction with his Excellency.

I expressed also my wishes, that a latitude had been left me for a diversion towards Connecticut, but that such an idea being out of question, by my orders being precise to force the junction, it was only mentioned to introduce the idea still resting upon my mind; viz. to give the change to the enemy if I could, and by every feint in my power to establish a suspicion that I still pointed towards Connecticut.

But I repeated, that under the present precision of my orders, I should really have no view but that of joining him, nor think myself justified by any temptation to delay the most expeditious means I could find to effect that purpose.

I proceeded to Montreal on the 12th; and as my letters, lately laid before the house from that place, and from Quebec, will shew the state of things, I should not rest a moment upon this period, were it not to add one more public testimony, to those I am not conscious of having omitted upon any occasion, of the assiduous and cordial manner in which the different services were forwarded by Sir Guy Carleton. I should think it as dishonourable to seek, as I know it would be impossible to find, excuse for any fault of mine in any failure on the part of Sir Guy Carleton, or of any persons who acted under him, in any matter respecting the expedition, within their power to effect. Had that officer been acting for himself, or for his brother, he could not have shewn more indefatigable zeal than he did to comply with and expedite my requisitions and desires.

Certain parts of the expected force, nevertheless, fell short. The Canadian troops, stated in the plan at 2000, consisted only of three companies, intended to be of 100 men each, but in reality not amounting to more than 150 upon the whole, nor could they be augmented. The corvées, which are detachments of Provincials without arms, to repair roads, convey provisions, or any other temporary employment for the king's service, could not be obtained in sufficient number, nor kept to their employments, although Sir Guy Carleton used every possible exertion and encouragement for the purpose. Drivers for the provision-carts, and other carriages,

riages, could not be fully supplied by the contractor, though no expence was spared; a circumstance which occasioned much inconvenience afterwards.

To these unavoidable disappointments were added, the difficulties occasioned by bad weather, which rendered the roads almost impracticable at the carrying-places, and consequently the passage of the batteaux, artillery, and baggage, exceedingly dilatory: we had besides a great deal of contrary wind. Notwithstanding all impediments, the army assembled between the 17th and 20th of June, at Cumberland Point, upon Lake Champlain.

On the 21st I held a conference with the Iroquois, Algonchins, Abenekies, and Outawas, Indians, in all about four hundred.

This conference appears in your papers. I thought at the time that the cordiality of the Indians over the whole continent might be depended upon, and their first operations tended to persuade me into a belief of their utility. The priest to whom they seemed devoted, and the British officers employed to conduct them, and to whose controul they engaged to submit, gained advantages, and spread terror without barbarity. The first party sent out made several of the enemy prisoners in the heat of action, and treated them with European humanity.

During the movement of the different corps to this general rendezvous, I wrote a third letter to Sir William Howe. The chief purport of it was to give him "intelligence of my situation at the time, and of my expectation of being before Ticonderoga between the 20th and 25th instant; that I did not apprehend the effective strength of the army would amount to above 6500 men; that I meant to apply to Sir Guy Carleton to send a garrison to Ticonderoga when it should be reduced, but that I was apprehensive he would not think himself authorised by the King's orders to comply; that whenever, therefore, I might be able to effect the junction, Sir William would not expect me to bring near the original number. I repeated my perseverance in the idea of giving jealousy on the side of Connecticut, and at the same time my assurances, that I should make no manœuvre that could procrastinate the great object of a junction."

I state these different letters to Sir William Howe merely to shew that my conception upon the precision of my orders was not an after-thought, and taken up as an excuse when I

found the expedition had failed; but a fixed decided sentiment coeval with my knowledge of my command.

For a farther proof of the same fact, I beg leave to state an extract from my orders to the army at Crown Point, June 30th. The words were these:

"The army embarks to-morrow, to approach the enemy. The services required of this particular expedition are critical and conspicuous. During our progress occasions may occur, in which, nor difficulty, nor labour, nor life, are to be regarded. This army must not retreat." Were it necessary, I could bring abundant collateral proof to the same effect, and shew that the idea of forcing a way to Albany, by vigorous exertions against any opposition we might meet, was general and infixed through the whole army.

My proceedings from the time of assembling the army as before described, to the date of my public dispatch from Skenesborough, comprehending the manœuvres which forced the enemy from Ticonderoga, and the actions at Skenesborough, Huberton, and Fort Anne, are related at full in that dispatch.

It is the less necessary to give the committee farther trouble upon this subject, because I believe no enemy can be found to arraign my conduct in those days of success; or if there were one, he could not deprive me of the consolation, that I had his Majesty's full approbation and applause, of which I could produce a very honourable and undeniable proof.

All therefore that is necessary, before I quit this first period of the campaign, is to give a precise state of the effective strength of the army, at the time it assembled.

On the 1st of July, the day we encamped before Ticonderoga, the troops consisted of

British rank and file	—	3724
German ditto	—	3016
		6740 regulars, exclusive of artillery-men.
Canadians and Provincials about	—	250
Indians about	—	400
		650

In regard to the artillery, I think this the proper place to rectify the misrepresentations that have prevailed respecting the quantity employed. It has been stated as far beyond the necessary proportion for the number of troops, an incumbrance

brance to their movements, and one cause of what has been called the slow progress of the expedition.

In order to justify this charge, a view of the whole mass has been presented to the public without any explanation of its distinct allotments: and many have been led to believe that the whole was attached to the army throughout the campaign, and fell into the enemy's hands at last.

The facts, as I shall prove them to the committee, are as follow: The whole original train furnished by Sir Guy Carleton consisted of sixteen heavy twenty-four-pounders; ten heavy twelve-pounders; eight medium twelve-pounders; two light twenty-four pounders; one light twelve-pounder; twenty-six light six-pounders; seventeen light three-pounders; six eight-inch howitzers; six five and an half inch howitzers; two thirteen-inch mortars; two ten-inch mortars; six eight-inch mortars; twelve five and an half-inch mortars; and twenty-four four and two-fifth-inch mortars. Of these two heavy twenty-four pounders were sent on board a ship for the defence of Lake Champlain, and the other fourteen were sent back to St. John's. Of the heavy twelve pounders six were left at Ticonderoga, four ditto in the Royal George; four medium twelve-pounders at Fort George; one light twelve-pounder at Ticonderoga; two light six-pounders at Fort George; four light six-pounders at St. John's; four light three-pounders at Ticonderoga; five light three-pounders at St. John's; two eight-inch howitzers at Fort George; two ditto at St. John's; two five and an half-inch howitzers at Fort George; two thirteen-inch mortars in the Royal George; two ten-inch mortars in ditto; four eight-inch mortars in ditto; four five and an half-inch mortars at Ticonderoga; four royal mortars in the Royal George; twelve cohorns at Ticonderoga; and eight cohorns in the Royal George.

The field train therefore that proceeded with the army consisted of four medium twelve-pounders; two light twenty-four-pounders; eighteen light six-pounders; six light three-pounders; two eight-inch howitzers; four five and an half-inch howitzers; two eight-inch mortars, and four royals.

The carrying the twenty-four pounders, though there were but two, has been spoken of as an error; and it is necessary therefore to inform the committee, that they were of a construction lighter by 8cwt. than medium twelves, and to all intents and purposes field-artillery.

This artillery was distributed as follows:

Fraser's corps, estimated at three battalions,
Ten pieces, viz.
Four light six-pounders.
Four light three-pounders, constructed for being occasionally carried on horse-back.
Two royal howitzers.
German reserve, under Col. Breyman, estimated at 2 battalions,
Two light six-pounders.
Two light three-pounders. And served by the Hesse Hanau artillery-men.
The line of British four battalions.
Germans, five battalions.
Total nine battalions.

Three brigades of artillery, of four six-pounders each; viz. one brigade for each wing, and one for the center.

From hence it appears, that to fourteen battalions, there were allotted twenty-six pieces of light artillery. The customary allotment is two pieces per battalion, consequently the proportion of artillery was less than upon common services.

The forming artillery into brigades, in preference to detaching two guns to each battalion, has been constantly practised in most services during last war, under the ablest men, and it is productive of many advantages, as the brigades, by that means, either singly or united, fall under the command of a proportionable number of officers. The service is carried on with greater regularity, and the effect of the fire becomes much more formidable than when scattered along the front of the line.

This mode of service was recommended by Major General Phillips, and adopted without hesitation by me, as coming from an officer of his great experience and judgment.

The park artillery consisted of ten pieces, viz,
Two light twenty-four pounders,
Four medium twelve-pounders,
Two eight-inch howitzers,
Two royal howitzers.

I understood this proportion of field-artillery to be the same as that proposed by Sir Guy Carleton, had he commanded; it was the proportion recommended by General Phillips, and I formed my opinion conformably to those respectable officers, upon the following reasons, viz. that artillery was extremely formidable to raw troops; that in a country of posts, it was essentially necessary against the best troops; that it was yet more applicable to the enemy we were to combat; because the mode of defence they invariably adopted, and at which

which they were beyond all other nations expert, was that of entrenchment covered with strong abatties, against which the cannon of the nature of the heaviest above described, and howitzers, might often be effectual, when to dislodge them by any other means might be attended with continued and important losses.

In these general ideas of the use of artillery against the rebel forces, I have the hapiness to observe, from the papers before you, the concurrence of Sir William Howe, who states similar ideas very fully in one of his requisitions to the secretary of state; but further reasons for not diminishing the proportion of guns of superior calibre to six-pounders in this train, were, first, their use against block-houses (a species of fortification peculiar to America); secondly, a probability that gun-boats might be requisite for the security of the water-transport, on some parts of the Hudson's River; but principally, was the supposition of fortifying a camp at Albany, in case I should reach that place, should meet with a sufficiency of provision there as I was led to expect, and should find it expedient to pass the winter there, without communication with New-York.

With respect to the quantity of ammunition attached to this artillery, it is to be observed, that the number of rounds accompanying the light pieces, and which were carried in small carts, were not more than sufficient for a day's action.

Light six-pounders 124 rounds each,
Light three-pounders 300 rounds,
Royal howitzers 90 rounds.

The different reserves of ammunition were chiefly conveyed by water in scows and batteaux. It certainly would not have been adviseable, after a communication with Canada was at an end, to depend upon precarious supplies from the southward; and therefore it became necessary (as far as the service would allow) to bring forward such stores as there was every appearance of an absolute want of during the course of an active campaign.

Had the enemy established themselves in force upon the islands at the mouth of the Mohawk River, or on other ground equally advantageous to have disputed the passage of that or of the Hudson's River, or had they even waited an assault in their works at Still-Water, it is probable that recourse must have been had to artillery of the heavier nature, in the latter case especially, to have derived any advantage from our seizing a post upon their left flank; I have since known that they had iron twelve and nine-pounders mounted

upon those works, which were in other respects very formidable.

The British artillery-men, rank and file, were	245
Recruits under command of Lieut. Nutt of 33d regiment, attached to the service of the artillery	150
Hessian artillery-men, rank and file -	78
	473

Add these numbers to the former state of the army, and it will be found that the regular strength, when at the greatest, consisted of 7213.

I now come to the second period of the campaign, comprehending the transactions from the time the pursuit of the enemy from Ticonderoga ceased, and the corps of Brigadier General Frazer and the 9th regiment, rejoined the army, after the respective actions of Huberton and Fort Anne, to the time when the army passed the Hudson's river to attack the enemy near Still-Water.

It had proved impossible immediately to follow the quick retreat of the enemy farther, from the nature of the country, and the necessity of waiting a fresh supply of provisions. But it appeared evident to me, that could a rapid progress towards Albany be effected, during their dispersion and panic, it would be decisive of the success of the expedition.

Question has been made by those who began at this period to arraign my military conduct, whether it would not have been more expedient for the purpose of rapidity to have fallen back to Ticonderoga, in order to take the convenient route by Lake George, than to have persevered in the laborious and difficult course by land to Fort Edward. My motives for preferring the latter were these; I considered not only the general impressions, which a retrograde motion is apt to make upon the minds both of enemies and friends, but also that the natural conduct of the enemy in that case would be to remain at Fort George, as their retreat could not then be cut off, in order to oblige me to open trenches and consequently to delay me, and in the mean time they would have destroyed the road from Fort George to Fort Edward. On the other hand, by persisting to penetrate by the short cut from Fort Anne, of which I was then master, to Fort Edward, though it was attended with great labour and many alert situations, the troops were improved in the very essential point of wood service; I effectually dislodged the enemy from Fort George without a blow; and seeing me master of one communication, they did not think it worth while to destroy the other.

The

The great number of boats also, which must necessarily have been employed for the transport of the troops over Lake George were by this course spared for the transport of the provisions, artillery and ammunition.

The success answered this reasoning in every point, for by the vigilance of General Phillips, to whom I had committed the important part of forwarding all the necessaries from Ticonderoga, a great embarkation arrived at Fort George on July 29th, I took possession of the country near Fort Edward on the same day, and independently of other advantages, I found myself much more forward in point of time than I could possibly have been by the other route.

Another material motive which could not be known by strangers who have reasoned upon this movement was, that during the time that my army was employed in clearing Wood Creek and cutting roads, and the corps under Major General Phillips working to pass the transports over Lake George, I was enabled to detach a large corps to my left under Major General Reidesel, and thereby assist my purpose of giving jealousy to Connecticut, and keeping in check the whole country called the Hampshire Grants.

It was at this time Major General Reidesel conceived the purpose of mounting his regiment of dragoons. In the country he traversed during his detached command, he found the people frightened and submissive. He was industrious and expert in procuring intelligence in parts of the country more remote than Bennington, and entertained no doubt of success, were an expedition formed under the command of Lieut. Col. Baum.

On the arrival of the army at Fort Edward, the great object of attention was the transports from Fort George. The distance was about sixteen miles, the roads wanting great repair, the weather unfavourable, the cattle and carriages scarce; part of the latter inconvenience was occasioned by the number of both that were necessarily detained at Ticonderoga, for the purpose of dragging the boats and the provisions over the carrying-places between Lake Champlain and Lake George; another part of the inconvenience was caused by the unavoidable delays in bringing the different divisions of horses as they were collected in Canada through the desart, for such most of the country is, between St. John's and Ticonderoga.

It was soon found that in the situation of the transport service, at that time the army could barely be victualled from day to day, and that there was no prospect of establishing a magazine in due time for pursuing present advantages. The

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idea of the expedition to Bennington originated upon this difficulty, combined with the intelligence reported by General Reidesel, and with all I had otherwise received.

I knew that Bennington was the great deposit of corn, flour, and store cattle; that it was guarded only by militia; and every day's account tended to confirm the persuasion of the loyalty of one description of the inhabitants and the panic of the other. Those who knew the country best were the most sanguine in this persuasion.

Had my intelligence been worse founded, I should not have hesitated to try this expedition with such troops, and under such instructions as I gave to the commanding officer, for so great a purpose as that of a supply sufficient to enable the army to follow at the heels of a broken and disconcerted enemy. The German troops employed were of the best I had of that nation; the number of British was small; but it was the select light corps of the army, composed of chosen men from all the regiments, and commander by Capt. Fraser, one of the most distinguished officers in his line of service that ever I met with. The instructions recommended the utmost caution respecting posts and security of retreat, attention against exposing the solid part of the detachment to affront, or committing it in any instance, without a moral certainty of success. I touch with tenderness and with great reluctance, points that relate to the dead. My defence compels me to say, my cautions were not observed, nor the reinforcement advanced with the alacrity I had a right to expect. The men who commanded in both instances were brave and experienced officers. I have ever imputed their failure partly to delusion in respect to the enemy, and partly to surprise, and consequent confusion in the troops.

For farther explanation of my motives, and the circumstances attending the execution of the expedition, I beg leave to refer the committee to the letter laid before the house last year, and more particularly to the private letter laid before the house lately.

The same letter will shew the only resource that remained for proceeding towards Albany, after the disappointment of this expedition, viz. to press forward a necessary supply of provision, and other indispensable articles, from Fort George. I shall bring proof to your bar to this point, and I trust I shall shew beyond a doubt, that no possible exertion was omitted. It is not uncommon for gentlemen, unacquainted with the peculiarities of the country to which I am alluding, to calculate the transport of magazines, by measuring the distance upon a

map, and then applying the resources of carriage, as practised in other countries. I request permission to shew their mistake. The first stage from Fort George to Fort Edward is by land. The distance and the roads were described before. At Fort Edward the Hudson's River becomes navigable for a certain extent, and it is the constant practice in all transports to resume the water carriage. Were it not, new impediments would arise from hills, worse roads, and such an increased distance, as would prevent the cattle returning to Fort George the same day. About six miles below Fort Edward lie the falls of Fort Miller, where there is another carrying place, which, though of no considerable length, makes the necessity of unloading the boats, placing the contents in carts, and replacing them in fresh boats, at the place the river again admits of navigation. The boats unloaded, return to Fort Edward against a rapid stream.

Upon this short state of facts gentlemen will judge of our embarrassments. In the first place, it was necessary to bring forward to Fort Edward four score or a hundred boats, as mere carriage vessels for the provision; each boat made a hard day's work for six or more horses, including the return of the horses. At the next carrying place, as above described, it was necessary to place a considerable relay of horses, to draw over, first, a portion of carriage boats, and afterwards the provision as it arrived. I have not mentioned the great number of other boats necessary to be brought forward, to form bridges, to carry baggage and ammunition, and the number of carriages framed to transport the boats themselves at the ensuing carrying places, as we should proceed to Albany. This will be shewn in detail at the bar, if the committee chuse to hear it; and I pledge myself it will appear that the diligence in this service was extreme; that it was performed in the most expeditious manner possible, respectively to our resources, and that no delay was occasioned by the artillery, because the horses appropriated to it were supernumerary to those for which we had carts, and the artillery, not already with the army, at last was all brought up by its own horses in two days.

On the 13th of September the store of provision, amounting to about thirty days consumption, was compleated. I have stated in my letter to the secretary of state, my reasons against proceeding with less quantity. And it is now time to enter upon the object of consideration, that is held by some to be conclusive upon this executive part of the campaign, the passage of the Hudson's River.

Two errors, respecting this passage, though of opposite and incompatible natures, are supposed to have contributed to the ill success that ensued; the one the error of delay, the other, that of precipitation. In defence against the first, I refer to my effort at Bennington to procure supplies, and to the impediments I have just now stated, after that effort failed.—Against the latter, I refer to the reasons laid down in my private letter to the Secretary of State, dated 20th of August. The state of things at this important crisis, and my reasoning upon it, are expressed still more at large in my dispatch from Albany; I will now only touch them compendiously. On the one hand, my communications were at an end; my retreat was insecure; the enemy was collected in force; they were strongly posted; Colonel St. Leger was retiring from Fort Stanwix. These were dilemmas, but none of them insurmountable. On the other hand, I had dislodged the enemy repeatedly when before in force, and more strongly posted; my army was conscious of ascendancy, eager to advance; I expected co-operation; no letters from Sir William Howe removed that expectation. That to Sir Guy Carleton had never weighed upon my mind, because it was dated early in April, and consequently long before the Secretary of State's instructions, which I must have supposed to relate to co-operation, could be received. The letter of 17th July mentioned that General's return to my assistance, should Washington turn his force towards me, indicated, as I thought, an expectation of my arrival at Albany; and informed me that Sir Henry Clinton was left at New-York, and would act as occurrences might direct; I did *not* know Sir Henry Clinton's force. I *did* know that considerable reinforcement might be then expected at New-York from England. After all, should co-operation from below fail, the whole force of Colonel St. Leger, and Sir William Johnstone, were to be expected from above, in time to facilitate a retreat, though not in time to assist my advance. Under these different suggestions, and those that are more copiously stated in the dispatch to which I have referred, I read again my orders (I believe for a thousandth time), and I was decided.

And I am still convinced that no proof that could have been brought from appearances, intelligence, or reasoning, could have justified me to my country, have saved me from the condemnation of my profession, or produced pardon within my own breast, had I not advanced and tried a battle with the enemy.

I will

I will conclude this subject with again asserting, upon my honour, what I hope to support by evidence, though it is impossible to bring positive proof to a negative, that neither General Fraser nor General Phillips ever offered, as has been reported, nor can be supposed to have conceived any objection against the passage of the Hudson's River.

This resolution being taken, I trust the manner of approaching the enemy, when explained by witnesses, will not be disgraceful to me as a soldier. The action which ensued on the 19th of September verified the valour of my army, and I must in truth acknowledge a very respectable share of that quality in the army of the enemy. To the general description given in my dispatch, it will be fit to add by evidence the peculiar merits of the troops in that action. The honour of three British regiments, in continual and close fire for four hours, all of them suffering considerable loss, and one remaining with less than sixty men, and 4 or 5 officers, ought not to lose its due applause, because it is said their opponents were irregulars and militia.

A victory was at last obtained, but the close of the day unavoidably prevented any immediate advantages. On the day following it was known from prisoners and deserters, that the enemy were in a post strongly fortified, but from the thickness of the wood it was impossible to catch a view of any part of their position. All that could be done, therefore, was to take up ground as near them as the nature of the country would admit, respectively to military arrangement. It appears from the dispatch already alluded to, that the army remained in this position till the 9th October, when the second action ensued, employed in fortifying their camp, and watching the enemy, whose numbers it was now known had been greatly superior to ours at the action, and were daily increasing in militia.

It may here be asked why, as soon as it became palpable that no use could be made of the victory, I did not retreat?

Gentlemen will recollect that, on the second day after the action, I received intelligence from Sir Henry Clinton, of his intention to attack the highlands about this time, and I was hourly in expectation, I trust a justly founded one, of that measure operating to dislodge Mr. Gates entirely, or to oblige him to detach a large portion of his force. Either of these cases would probably have opened my way to Albany. In these circumstances, could the preference upon these alternatives admit a moment's reflection? To wait so fair a prospect of effecting at last the great purpose of the campaign; or to put a victorious army under all the disadvantages of a beaten one, by

by a difficult and disgraceful retreat; relinquishing the long-expected circumstance of co-operation in the very hour of its promise, and leaving Sir Henry Clinton's army, and probably Sir William Howe's, exposed, with so much of the season of the campaign to run, to the whole force of Mr. Gates, after he should have seen me on the other side of Hudson's River.

Some of the same considerations, and other concomitant circumstances, will, in part, serve to account for my not attacking the enemy during this interval; for in this situation, as in former ones, my conduct has been arraigned upon opposite principles.

The committee will observe that after receiving intelligence of Sir Henry Clinton's design, different messengers were dispatched by different routes, to inform that officer of my situation, and the time I thought I could continue in it. To have hazarded a repulse in that suspense of a powerful diversion, would in my opinion have been very unjustifiable; but when I add that, from the backwardness or defection of the few Indians that remained, the number of rifle-men, and other irregulars employed on the enemy's out-posts, and the strength and darkness of the surrounding woods, it had not yet been practicable to gain any competent knowledge of their position, I trust every man will go with me in the sentiment, that all these circumstances considered, an attack would have been consummate rashness.

Another very powerful reason that operated on the side of delay, was the state of my sick and wounded. Numbers of the latter were recovering fast; many excellent officers, in particular; and the more I delayed the stronger I grew. The time also intitled me to expect Lieut. Colonel St. Leger's corps would be arrived at Ticonderoga, and secret means had been long concerted to enable him to make an effort to join me with probability of success.

Upon mature consideration and after-knowledge of circumstances attending this period, I am clearly of opinion that, had the reinforcements from England arrived in time to have enabled Sir Henry Clinton to have effected the stroke he afterwards so greatly made in the highlands, any time between the two actions, I should have made my way.

The dispatch alluded to proceeds to state the reason that induced me to make the movement on the 7th of October. I shall only add, to obviate a supposed error in not advancing my whole line, that the part remaining in my camp operated as effectually to keep the enemy's right wing in check

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as if it had moved, with this additional advantage, that it prevented the danger of that wing advancing by the plain near the river, and falling upon my rear.

I have reason to believe my disappointment on that day proceeded from an uncommon circumstance in the conduct of the enemy. Mr. Gates, as I have been informed, had determined to receive the attack in his lines; Mr. Arnold, who commanded on the left, foreseeing the danger of being turned, advanced without consultation with his General, and gave, instead of receiving battle. The stroke might have been fatal on his part, had he failed. But confident I am, upon minute examination of the ground since, that had the other idea been pursued, I should in a few hours have gained a position, that in spite of the enemy's numbers, would have put them in my power.

Disagreeable as is the necessity, I must here again, in justice to my own army, recur to the vigour and obstinacy with which they were fought by the enemy. A more determined perseverance than they shewed in the attack upon the lines, though they were finally repulsed by the corps under Lord Balcarres, I believe, is not in any officer's experience. It will be the business of evidence to prove that, in the part where Colonel Breyman was killed, and the enemy penetrated, the mischief could not be repaired, nor under it the camp be longer tenable.

The transactions of the ensuing night, the day of the eighth, and the whole progress of the retreat to Saratoga, will be laid before the committee minutely in the course of my evidence, as well as every circumstance, from the time the army arrived there, to the signing the convention. I have only to premise, that I trust I shall be able to prove, to the satisfaction of the committee, that even in this situation, I had the chance of a favourable event. The enemy had intended to attack by the plain of Saratoga. On the morning of the 11th, a considerable column had actually passed the Fish Kill for that purpose during the fog, which at that season was regular till some time after sun-rise. The intention was prevented taking place, by intelligence one of their generals received from a deserter, that I had a line formed behind the brush-wood, to support the post of artillery, which was their immediate object of attack. The General instantly retreated his column, and prevented a general action, which my position, compared with the proposed one of the enemy, gave me reason to hope would have been to my advantage.

I have likewise a satisfactory confidence, that I shall demonstrate that the intelligence I stated to the councils of war, respecting

specting the strength of the enemy, did not fall short in any part, and in some parts much exceeded my own belief, particularly on the only possible routes of my retreat; and that those posts were not taken up during my stay at Saratoga, as has been reported, but some of them previous to the action of the 7th, and the rest immediately after it.

I shall close the whole of this by delivering at your table, from the hands of my secretary, an authenticated return of the force of General Gates, signed by himself, and the truth of it will be supported from ocular testimony, by every officer of the British army. Many of them are now in England, and after what has been insinuated, not to say charged, in this house, it becomes the duty of the accusers, not only to examine closely the officers I have called, but to produce any other witnesses, that in their thoughts may be qualified to speak to the good or bad order of the rebel troops, when they marched by in their presence, and to their behaviour, when opposed to our troops in action.

I cannot close this long trespass upon the patience of the committee, without expressing one humble hope, that in forming a judgment upon the whole, or any distinct part of these transactions, they will be considered as they must have appeared at the time; for I believe, where war is concerned, few men in command would stand acquitted, if any after-knowledge of facts and circumstances were brought in argument against decisions of the moment, and apparent exigencies of the occasion.

I submit all I have said, some of it, I fear, not sufficiently prepared or arranged, with due respect to the committee. I shall not mention all the disadvantages under which I have pressed this business upon their attention. I have cause to regret the absence of a most confidential friend in Major-General Philips; zealous advocates, I trust, in Major-General Reidesel and Brigadier Hamilton. Much of my vindication is in the grave with General Fraser, much with Colonel Ackland, your late member. I trust my zeal in promoting this inquiry, as I have done, will be one mark of the sense I bear of the general character of this house; that, however men may be biassed by political attachments upon common occasions, when the honour of an individual is committed to their hands, they will alone be guided by truth and justice. And the next inference I should wish to be drawn, from my earnestness for a public appeal, is this, that however sensible I may be of errors in conduct, I am conscious of no failure in the rectitude of my intentions.

Sir

Sir *Guy Carleton* was called in and examined by General Burgoyne as follows:

Q. Do you recollect having received a letter from the secretary of state, mentioning the reasons that made it expedient for you to remain in the province of Quebec?

A. Yes, very well.

Q. What was the date of it?

A. I think the 12th of August 1776: I am sure it was in August.

Q. Was not the date of that letter long before the return of General Burgoyne from Canada to Great Britain?

A. Yes.

Q. During the winter preceding the campaign of 1777, was not the artillery prepared at Montreal for field service, upon the supposition that you was to command the army beyond the frontiers of the province?

A. It was.

Q. Was the proportion allotted to General Burgoyne for field-service more than was intended, had you so commanded?

A. I do not precisely recollect that. It does not strike me there was any great difference.

Q. Was the quantity of artillery decided on, in concert with Major-General Phillips, and on his recommendation?

A. The artillery I had prepared for the campaign, on a supposition I was to go myself, was in concert with General Phillips; that department, as well as others, was put under the command of General Burgoyne on his arrival, and I suppose he followed the same method, so far as regarded the artillery.

Q. Did General Burgoyne apply to you for troops from Canada, to garrison Ticonderoga, when he advanced?

A. He did.

Q. What was the purport of your answer?

A. That I did not think myself justified to grant it by my orders; my answer will appear more precisely, by a copy of my answer to General Burgoyne.

Q. Do you recollect that General Burgoyne informed you of the motives on which he proceeded from Skenesborough to Fort-Edward by land, in preference to the route by Ticonderoga and Lake George?

A. I do.

Q. Did you concur in his sentiments?

A. I remember my answer was an answer of approbation.

Q. Do you know of any circumstance of General Burgoyne's military conduct, while under your command, that you disapproved?

A. I had no reason to disapprove of any part of his conduct while under my command. [*Withdrew.*]

Called in and examined by other members of the committee.

Q. Whether, when you proposed to take that train of artillery with you that you have mentioned, it was with a view to the reduction of the forts at Ticonderoga; or whether you proposed to have taken with you the same train of artillery, in case you had marched forward in the country towards Albany?

A. It was with an intention to reduce the forts and lines at Ticonderoga, the train of artillery was calculated for that service.

Q. Whether you know what proportion of artillery was carried forward by the army under General Burgoyne's command, after the reduction of Ticonderoga?

A. I do not recollect.

Q. Would you not, in case you had reduced Ticonderoga, and marched forward towards Albany, have carried with you a train of artillery?

A. I probably should have taken artillery with me.

Q. Had you foreseen a necessity of fortifying a camp at Albany, would you not have carried some guns of the calibre of twelve-pounders, and light twenty-fours?

A. It is really a very difficult matter, off hand, to run into all the minute operations of a campaign; every measure of that sort must have been a matter of consideration and deliberation, and there are a thousand circumstances that might have determined me upon the spot. I do not wish to conceal from this house any thing that I would have done; but I hope they will consider, that every gentleman may have different ideas of the state and situation of the army, as expressed by the question asked; and the least inaccuracy of expression on my part, may convey ideas very different from what I could wish. In general, so considerable a corps as that was, very seldom moves without artillery; but the precise number must depend on a variety of circumstances, which the discretion and judgment of the officer who commands must determine.

Q. Were

Q. Were not the orders you received from government positive for General Burgoyne to march to Albany?

A. The orders have been publishe d, I understand; every gentleman in this house must be a judge of those orders, whether they were positive or not.

Q. Did you not receive a letter dated the 5th of April, from Sir William Howe, informing you, that he could not send any force to assist the operations of General Burgoyne's army?

A. I received a letter from Sir William Howe, relative to his operations, a copy of which was sent to General Burgoyne; I think it was not just in those terms, but a copy of the letter is on the table.

Q. Whether, on that information, you considered that you had any discretionary power to detain General Burgoyne after that information?

A. Certainly not.

Q. Whether, in case of any difficulties that General Burgoyne might meet with on his march, there was any latitude given to him [General Burgoyne] to retreat?

A. I said before, that the orders were before the house, who were competent to judge on that point.

Q. Did you yourself understand those orders to General Burgoyne to be positive?

A. That is giving an opinion upon what perhaps may be a question in the house; whereas, I have already said, the house are as competent to judge as I am.

Q. Is the committee to understand from that answer, that you have any objection to giving your opinion on that question?

A. I have an objection to give an opinion on almost all points.

Q. Did you give it in orders to General Burgoyne, in case he met with any difficulties during his march in Canada, under your command, not to proceed?

A. I should have taken care that General Burgoyne met with no difficulties in his march in Canada, nor do I well see how he could.

Q. Where do the boundaries of the province of Canada end?

A. Between the Illonois and Point au Fer.

Q. Is the fortress of Ticonderoga in Canada?

A. No.

A. Did your commission, as commander in chief of the troops in the northern division, extend beyond the boundaries of Canada, to Ticonderoga?

A. That commision, as commander in chief, I understood did extend so far; but by the orders already alluded to, or by those which General Burgoyne brought out in the spring 1777, I understood that my command was restrained to the limits of the province, and that General Burgoyne was entirely from under my command as soon as he passed the limits of the province.

Q. Did you apply to the secretary of state for a reinforcement of 4000 men necessary for the campaign of 1777?

A. I recollect, when General Burgoyne was coming home, on the fall of 1776, as I was perfectly satisfied with his conduct in the preceding campaign, I talked over with him in confidence, what I thought necessary for the following campaign; among other things I desired him to make a memorandum, to demand 4000 men, as a reinforcement for the ensuing campaign, or at least four battalions. I think I have seen those memorandums very accurately stated and laid before the house.

Q. What part of that 4000 men which you thought necessary for the campaign of 1777, was actually sent out to Canada in that year?

A. I do not accurately remember how many, I think a very small part; you may have a very precise account from the returns.

Q. Of that small part sent in 1777, did not a certain proportion arrive very late in the year?

A. Yes, a part arrived late.

Q. After you had received your orders from the secretary of state, did you apprehend that General Burgoyne, as long as he was within the province of Canada, was positively under your command?

A. Yes, I did; as long as he was in the province of Canada I looked on him to be positively under my command: but the load of the expedition being on his shoulders, I thought it proper that he in all things should direct; and therefore, I gave out immediate orders, that not only the troops he was to command out of the province, but all the departments necessary for the assisting his expedition, should comply immediately and without delay, with every requisition and order he should give. The reason of my doing so was, that no time might be lost: I only required that they should report to me

what orders they had received from General Burgoyne. I believe those orders are also on the table.

Q. Will you explain to the committee, what you mean by the words, "load of the expedition lying on General Burgoyne's shoulders?"

A. I had no particular meaning; they are words I should have used on any expedition of importance.

Q. If General Burgoyne had met with very considerable difficulties to impede his progress within the province of Canada, would you have thought yourself justifiable in giving any orders to general Burgoyne, different from those transmitted to General Burgoyne, through you, from the secretary of state?

A. Had there been any difficulties in Canada I would not have give him up the command.

Q. Having given up the command to General Burgoyne, and having ordered all the troops to obey him only, reporting their proceedings to you, would you, after that, have thought yourself justifiable to change the order to General Burgoyne, upon his meeting with great difficulties on the frontiers of the neighbouring provinces?

A. I really did not mean to evade the question in the least. It did not appear to me possible that there could be any difficulties; I do not mean to say there could not, from the nature of the country, be difficulties in the march that might occasion delay; but by the nature of the question, I understood difficulties from the enemy; in that case I should not have thought myself justifiable in giving up the command.

Q. If you had heard, that on the frontiers and within the province of Canada, there was the greatest reason to think that the resistance to General Burgoyne's army was so great as to make it, in your opinion, exceedingly difficult for that general to force his way to Albany, would you think yourself justifiable in giving different orders to General Burgoyne from those given by the secretary of state; or would you have thought the secretary of state's orders for General Burgoyne's army so peremptory, that it would not be proper for you to interfere?

A. If I understand the question, as it now stands, it is what I would have done, had the province been invaded, or close on the point of being invaded, and the enemy entering the province.

Q. The question does not mean an invading army, but a resistance from the enemy to the progress of General Burgoyne's army, in the case stated in the last question?

A. In that case, that an enemy should be found, (within the limits of my command), I should have ordered all the troops destined for the defence of the province to have immediately joined those destined for General Burgoyne, and have reassumed the command of all, until those obstructions had been removed within the limits of my authority.

Q. I suppose no enemy within the province of Canada, but posted in such a manner upon the line of communication with Albany, as to make it exceeding difficult for General Burgoyne to obey the orders given to him, would you think yourself justifiable in giving different orders to General Burgoyne from those given by the secretary of state; or would you have thought the secretary of state's orders for General Burgoyne's army so peremptory, that it would not be proper for you to interfere?

A. I could not change General Burgoyne's orders one tittle. That was my opinion. He received his order from the same power that gave me my authority. When once he passed the limits of my command, I neither could give him orders, nor could he be justified in obeying them.

Q. Do you mean the latter part of that answer as an answer to a question which supposes General Burgoyne within the limits of the province of Canada?

A. No: while he was within the limits of the province of Canada, I would have given General Burgoyne orders in all cases of difficulty and danger; there being no such case when General Burgoyne arrived in Canada 1777, nor a possibility of an event of that sort, I put the troops and all things under his command which concerned his expedition, that he might arrange and combine their motions according to his own plan of operation for the campaign, that no time might be lost by any unnecessary applications to me, which the strict forms of my command might otherwise require.

[*Withdrew.*

Again called in.

Q. Should you, if you had been in General Burgoyne's situation, and acting under the orders which you know he received, have thought yourself bound to pursue them implicitly, or at liberty to deviate from them?

A. I should certainly have thought myself bound to have obeyed them to the utmost of my power: but to say, as a military man, that in all cases possible I must have gone on, is a very nice thing to say indeed. It must have thrown me, and I suppose every officer, into a most unpleasant and anxious

anxious situation, to have debated within himself, whether he was or was not to go on. Every man must decide for himself; what I would have done, I really don't know. The particular situation, and a man's own particular feelings, must determine the point. If I might be indulged, I would beg leave to say, that I did not mean to evade any question. I meant to answer directly; yet questions may be put to me of so delicate a nature, and perhaps no man in the world is in a more delicate situation, with respect to the present case in question, and the business of the committee, than I am. When such questions are put to me, I shall pray the indulgence of the committee to be excused answering them, but I will not evade them. As I now understand the meaning of the right honourable member in the former questions to be, whether I should have taken upon me to supersede the King's orders, supposing I knew of any unsurmountable difficulties in the way, as that I had information of 20,000 men at Ticonderoga before General Burgoyne left the province of Canada, I should have told General Burgoyne my information; but it was General Burgoyne who was to carry the orders into execution, and not me, and therefore, it was upon his own judgment he was to determine: I should have given him my opinion, but I think I had no right to give him orders under these circumstances.

Q. Who was it that made the arrangement and distribution of the troops that were to be left for the defence of Canada, independent of those under the command of General Burgoyne?

A. The orders that are before the house are very full, and I thought very clear. The committee will see in those orders the troops that were destined for General Burgoyne's expedition, and the troops that were to remain for the defence of the province.

Q. Who made that distribution?

A. It came to me from the secretary of state.

Q. Did not the order from the secretary of state go to the detail of the smallest posts within the province?

A. The letter is before the committee.

Question repeated.

A. I should beg for the letter to be read. I don't wish to avoid any question, but I wish to be accurate.

Q. Was the distribution of the troops prescribed to you by the secretary of state, or left to your discretion?

A. In mentioning the number of troops which were to remain in the province, it was there said, that those troops would be sufficient for garrisoning such and such places, particularizing them.

Q. Did you ever know an instance in your military life of a minister making a distribution of troops for the defence of a province, without taking the opinion of, or leaving a great deal to the discretion of, the governor of that province, that governor being an acting military officer of very high rank?

A. I never had the honour to correspond with a secretary of state till I was appointed to the command of that province.

Q. Whether you was consulted upon the practicability of penetrating from the frontiers of Canada to Albany, by force, with the strength allotted to General Burgoyne for that purpose.

A. No: I was not.

Q. Are you acquainted with the passage from New York to Canada by the Hudson's River?

A. I have gone that way.

Q. Have you observed it with a view to military operations?

A. No: I never made the tour, having any military operations in view.

Q. Are you acquainted with the forces which Sir William Howe had under his immediate command at and about New York, on the 17th of July 1777.

A. I am not.

Q. Supposing Sir William Howe had 12,000 effective men, besides a sufficient force lodged in New York, Staten Island, and Long Island, to defend them against General Washington's army, supposing General Washington's army in the Jerseys, near Quibble Town, and that Sir William Howe had received accounts of General Burgoyne's success at Ticonderoga, and was acquainted with the orders under which General Burgoyne acted, is it your opinion that the best movement Sir William Howe could have made for the purpose of forwarding the execution of the orders under which General Burgoyne acted, would have been to have sailed with his army from New York to Chesapeak Bay?

A. Had I had the honour to have commanded on that side, I don't know what I should have done myself.

Q. After

Q. After you received the letter from Sir William Howe, informing you of his intended expedition to the southward, whether you did expect that Sir William Howe's army could co-operate on the Hudson's River with the northern army that season?

A. I don't know.

Q. Whether you thought, after the receipt of that letter, that it was probable there would be a co-operation from the southern army?

A. I took it for granted that Sir William Howe knew what he was about, and would do what he thought best for the public service. I really was so little informed of all the particular circumstances of his situation and of the provinces under his command, that I could form no judgment of the propriety or impropriety of his conduct, or of the effects of his measures.

Q. Did your information lead you to believe that the inhabitants between Saratoga and Albany were so well affected to his Majesty and Great Britain, as that there would be much advantage derived from their assistance to the king's army, in the prosecution of General Burgoyne's expedition?

A. I had frequent accounts from that part of the country, that there were numbers ready to take arms and join the king's troops, if they should penetrate so far.

Q. Do you mean by penetrating so far—to Albany—or to the length the army got?

A. The whole extent of the inhabited country, according to the information brought me.

Q. Had you no information that a formidable militia might be raised in the country to oppose his Majesty's army?

A. Yes, I had such information.

Q. Did you think that the force which General Burgoyne carried with him from Ticonderoga towards Albany, was sufficient to oppose such force?

A. I really must beg leave to be excused answering that question.

Q. If you had been consulted respecting General Burgoyne's expedition, knowing the nature of that country and the force General Burgoyne had, would you or not have advised such an enterprise?

A. If I had had the honour of commanding in that campaign as I had in the former, I do not precisely know what I should have done myself.

Q. Did

Q. Did you give any advice for employing the savages?
A. I do not recollect that I said any thing about them.
[*Withdrew.*

May 21.

No debate. Adjourned to the 26th.

May 26.

In a committee of supply Lord *North* moved for the sum of 60,527l. for the American refugees. He had taken care, he said, to grant pensions to the sufferers under that description, with as sparing a hand as he could; the grant just now moved for, however, increased 3000l. since last year; but at present it was likely to diminish. Such Americans as had fled from Georgia, and were supported here by the national generosity, had returned home, and consequently the claims in future would not be so great.

Right Hon. *T. Townshend* and Mr. *Barré* wished to learn the names of the refugees, not to deprive deserving objects of merited support, but to see that the money was not given to improper persons. A pensioner at the will of the minister was in too delicate a situation to speak openly his sentiments; and if called to the bar of the house to give information relative to America, would be reduced to the necessity of misleading the house, or losing his livelihood.

In the same committee Lord North produced the tail of the budget. After assigning some ostensible reasons for laying aside all thoughts of repealing the prohibitory cambric act for this year, the principal for which was the information he had received of a considerable cambric manufactory established in Scotland, he read several resolutions of additional stamp duties, on objects that had not been taxed since the 9th of King William, which his Lordship seemed to think an admirable reason for their being proper objects of augmentation at present. The first resolution was, that it is the opinion of this committee, that an additional stamp-duty of twenty shillings be paid on every sheet of paper, vellum or parchment, on which is engrossed any probate of a will, or letters of administration of estates real or personal, of the value of one hundred pounds.

Forty shillings, if of the value of three hundred pounds.

Second, that one penny per sheet be paid on all copies of wills, letters of administration, and licences.

Third, forty shillings on every presentation to a living worth above ten pounds a year in the King's books.

Fourth, forty shillings on every dispensation to hold two livings.

Fifth, five shillings on every writ of fines and recoveries.

Sixth,

Sixth, eight-pence on every debenture certificate.
Seventh, four-pence additional on bills of lading.
These resolutions were all agreed to.

Lord *Beauchamp* moved, when the house was resumed, that an humble address be presented to his Majesty, praying that he would be graciously pleased to order accounts to be laid before Parliament of the state of the trade and commerce of Ireland.

His Lordship prefaced his motion with a very sensible speech on the very wretched state of Ireland, and the necessity of holding out a promise to the Irish, that the commercial laws of which they complain shall be revised by Parliament, and such redress granted to them as Great Britain is able to bestow.

Lord *North* declared he would promote every possible inquiry, and obtain all the information in his power; but as to producing a plan for settling matters in a commercial line to the satisfaction of both countries, it was too bold an undertaking for him, since it was hard to say what would satisfy Ireland, and that England could grant, consistent with her own interest. He thought the complaints of Ireland rather ill-timed, as more had been done for that kingdom within these three or four years than for thirty years before.

Mr. *Conolly* was of a different opinion; he attributed the present distresses of Ireland to the wretched system of government carried on by the present ministry, by whose means the debts of that kingdom had been increased from about 600,000l. to near a million and a half.

Mr. *James Luttrell* did not disapprove of the motion, as it had first been made in the other house by his noble friend the Marquis of Rockingham; but in that house he could not but consider it as a kind of ministerial compromise, a lame apology for doing nothing for the relief of Ireland this session. He asked why the Parliament of Ireland had not been called together in time, to deliberate and send over their state of the nation to the British Parliament earlier in the session? Why had not the noble Lord moved this address months ago? It was now too late, and the loss of Ireland might probably follow that of America.

Sir *George Yonge* desired not to be thought inconsistent in voting for the address, as the most likely method of getting at the true state of the matter; but he thought the state of the Irish revenue should have been added: that was incumbent on the noble Lord at the head of the treasury; but he doubted if the Irish would have much hopes of a ministry who had reduced landed estates in England from 33 to 25 years purchase, and funded property from 89 to 60. The address was agreed to.

M

May 27.

Committee on papers. Mr. F. Montague in the chair.

Earl of *Balcarras* called in and examined by General Burgoyne.

Q. In what station did your Lordship serve in the campaigns in America in 1776 and 1777?

A. I commanded the British light infantry.

Q. Was the British light infantry continually attached to the corps under the command of Brigadier-general Fraser?

A. Yes.

Q. Had you occasion to observe that General Burgoyne and General Fraser lived together in friendship and confidence?

A. Yes, I had.

Q. Had you reason to believe that General Fraser was consulted by General Burgoyne in all material operations?

A. I had reason to believe that General Fraser was consulted in many material operations?

Q. Does your Lordship know or believe that the proportion of artillery attached to General Fraser's corps, through the whole campaign, was according to his requisitions and desires?

A. I understood from General Fraser that the proportion of artillery allotted to him was agreeable to his own requisitions.

Q. Do you recollect the number of killed and wounded in General Fraser's corps at the affair of Huberton?

A. I don't recollect exactly; I think it was about 150.

Q. What was your opinion of the behaviour of the enemy on that day?

A. Circumstanced as the enemy was, as an army very hard pressed in their retreat, they certainly behaved with great gallantry.

Q. Was it practicable, the nature of the country, the fatigue of the King's troops, the care of the wounded, and other circumstances considered, to have pursued the enemy farther after that action?

A. It was not?

Q. Do you recollect on what day General Fraser's corps rejoined the army at Skenesborough?

A. On the 9th of July—I think it was on that day.

Q. On what day was the action at Huberton?

A. On the 7th of July.

Q. Do.

Q. Do you recollect the difficulties of removing the wounded from Huberton to the hospital at Ticonderoga?

A. From the distance and badness of the roads, the difficulties attending the removing of the hospital must have been very great.

Q. Was it practicable, unless the wounded had been left exposed to the enemy, to have rejoined the army sooner?

A. It was not.

Q. Does your Lordship recollect how the army was employed between that time and the march to Fort Edward?

A. The British were employed in opening the country, and making roads to Fort Anne. The Germans under General Reidesel were detatched about fourteen miles to the left.

Q. Do you recollect the post the enemy abandoned upon the ascent from the low country to the Pitch-Pine Plains in the march from Fort Anne to Fort Edward?

A. I do recollect such a place.

Q. Had the enemy maintained their ground on that post, do you apprehend that a considerable portion of artillery would have been necessary to dislodge them?

A. Artillery would certainly have been of great use to dislodge the enemy.

Q. Did you ever see an instance during your service in America that the rebels continued twenty-four hours on the same place without intrenching; and was it not also their general practice to add abbaties to their entrenchments?

A. The rebels were always indefatigable in securing themselves by entrenchments, and in general they added an abbatis to those entrenchments.

Q. Do you remember the position the enemy abandoned at Schuyler's Island?

A. I do remember to have passed such a post once.

Q. Does your Lordship think that position could have been forced without a numerous artillery or heavy loss?

A. I do not think it could.

Q. From the nature of that country, do you think that post could have been turned?

A. Not without greatly risking the boats and portable magazines.

Q. Is it possible at any time in that country, and with a small army, to quit the navigable rivers without leaving the boats and portable magazines exposed?

A. I imagine it is not.

Q. Did you live in habits of intimacy and communication with General Eraser?

A. I did.

Q. Was General Fraser of a warmth and openness of temper that generally made him communicative of his sentiments when they differed from the sentiments of those with whom he acted.

A. General Fraser's temper was warm, open, and communicative, but reserved in matters of confidence.

Q. Did you ever hear General Fraser express disapprobation of the measure of passing Hudson's river?

A. I never did.

Q. Was not a bridge constructed of rafts and some boats thrown over that river, a little before the time of the attack on Bennington?

A. There was.

Q. Did not General Fraser's corps pass the river by that bridge, and take post on the heights of Saratoga?

A. It did.

Q. Do you remember that bridge being carried away by the torrents and bad weather, whereby the communication was cut off between that corps and the main body of the army?

A. I do.

Q. Was general Fraser's corps recalled after that accident, and obliged to repass the river in boats and scrowls?

A. It was.

Q. Do you remember General Fraser expressing his sorrow for being obliged to return back over the Hudson's River?

A. I remember General Fraser mentioning it with regret.

Q. Had the rear guard of General Fraser's corps been attacked during that passage over the river, would not a powerful fire of artillery from the opposite shore have been of great use, if not the only means of protecting them?

A. If the enemy had attacked General Fraser, they would have found him in a very bad posture; it was impossible to take a better, and, as they could not be supported by the line, the only means of safety must have been to get under cover of the fire of our artillery.

Q. Was there not an expectation and impatience of the troops in general to pass Hudson's River, and advance on the enemy.

A. There was.

Q. Was there not a general confidence and alacrity on the occasion?

A. There was.

Q. From

Q. From these circumstances, and your other knowledge of the army, do you not believe that to have made no farther attempt on the enemy would have caused disappointment and dejection in the troops, and reflections on the General?

A. The troops were in the highest spirits, and wished to be led on.

Q. Does your Lordship recollect the march up to the enemy on the morning of the 19th of September?

A. I do.

Q. Was the combination of the march such, as that notwithstanding the passage of the ravines, and the thickness of the woods, the column of General Fraser's march, and that of the British line led by General Burgoyne, were in a situation to support each other, and speedily to form in line of battle, at the time the enemy began the attack?

A. After the columns had passed the ravines, they arrived at their respective posts with great precision in point of time, and every fortunate circumstance attending the forming of the line.

Q. How long did that action last?

A. The British were attacked partially about one o'clock. The action was general at three, and ended at seven o'clock.

Q. From the nature of the country was it possible to discover the enemy's positions or movements, to form any judgment what attacks were in force, and what were feints?

A. I think not.

Q. Did we remain masters of the field of battle?

A. We did.

Q. Had the field of battle been well disputed by the enemy?

A. The enemy behaved with great obstinacy and courage.

Q. Was it too dark to pursue with effect at the time the action ended?

A. It was.

Q. Did the King's troops take up ground nearer to the enemy the morning after the action?

A. It was rather nearer to the enemy.

Q. How near were the out-posts of General Fraser's corps to the out-posts of the enemy from that time to the action of the 7th of October?

Q. I should imagine within half a mile.

A. From the nature of the country and the situation of the enemy's out-posts, was it possible to reconnoitre their position?

A. From the nature of the country, the difficulties attending reconnoitring must have been very great.

Q. Were

Q. Were not the rifle men and other irregulars employed by the enemy at out-posts, and on scouts, an over-match for the Indian or Provincial troops that were with the army at that time?

A. They were.

Q. Was not General Fraser's corps continually at work during the interval above-mentioned, in securing their own posts, and opening the front to oppose the enemy?

A. They were.

Q. After General Fraser received his wound on the 7th of October, on whom did the command of his corps devolve?

A. On me.

Q. Was you in a situation on that day to observe the general disposition of the army made by General Burgoyne previous to the action?

A. I remember two redoubts having been erected on the left to cover the boats and provisions, to enable General Burgoyne to make a detachment from his army.

Q. Was you in a situation to observe the disposition made immediately before the attack by the enemy.

A. I only recollect the situation of the two battalions of the advanced corps.

Q. After the retreat to the lines, were the lines attacked, and with what degree of vigour?

A. The lines were attacked, and with as much fury as the fire of small arms can admit.

Q. Does your Lordship remember that part of the lines where you commanded being visited by General Burgoyne during the attack?

A. I do not recollect to have seen General Burgoyne.

Q. Was the cannon of great use in the repulse of the enemy in your post?

A. Of very great use.

Q. Do you think that post would have been tenable next morning, the enemy having possession of Colonel Briemen's post?

A. I do think it would.

Q. Would the possession of the post by the enemy, together with the possession of Colonel Briemen's post, have laid open the flank and the rear of the camp of the line?

A. It would.

Q. Was the retreat in the night, and the new disposition of the whole army made in good order, and without loss?

A. It was.

Q. Did

Q. Did the army remain under arms, and in momentary expectation of battle, the whole of the day of the 8th?

A. It did.

Q. Do you remember the confusion and difficulties attending the line of baggage in the retreat in the night of the 8th?

A. I do.

Q. Was not the retreat nevertheless made in good order by the troops, and without loss?

A. It was.

Q. Does your Lordship remember the weather, the state of the roads, the state of the cattle, and the difficulty of passing the Fish Kill in the retreat to Saratoga, in the day and night of the 9th?

A. It rained incessantly, consequently the roads were bad, the cattle were nearly starved for want of forage, and the bridge over the Fish Kill had been destroyed by the enemy; the troops were obliged to ford the river.

Q. Had there been no enemy to oppose us, or no bridges or roads to repair, would it have been possible, from the state of the fatigue of the troops, to have continued the march farther immediately after the arrival at Saratoga?

A. The troops were greatly fatigued, and the artillery had been left on the other side of the Fish Kill.

Q. Why were they left on the other side of the Fish Kill?

A. The bridges had been destroyed by the enemy, it was exceeding dark, and I do not know whether the ford was passable for the artillery, without being first examined.

Q. Do you remember the enemy opening a battery on the opposite side of Hudson's River, and the circumstances attending the opening of that battery?

A. The corps I commanded was at that time posted, and they fired on us at that time, but I do not know from what direction.

Q. Does your Lordship remember the shot from that battery going over the table, when you and several officers were at dinner?

A. I did not dine with General Burgoyne that day. I recollect hearing that a cannon shot had discomposed the œconomy of the general table.

Q. Consequently must not that battery have commanded the ford over the Hudson's River?

A. I believe I said I did not recollect from what direction the shot came, but they had a battery which commanded that ford.

Q. Do you recollect on what day you were called with other commanders of corps to the first council of war?

A. On the 13th of October.

Q. Was there a spot in the whole position to be found for holding that council, which was not exposed to cannon or rifle shot?

A. We were not so fortunate as to find one.

Q. Do you recollect that General Burgoyne, after stating to the council the difficulties of the situation, declared that nothing should induce him to propose terms to the enemy without the general concurrence of the generals and field officers of the army, and that he was ready to take the lead in any measure that they should think for the honour of the British arms, or words to that effect?

A. I remember words to that effect.

Q. Was the concurrence unanimous for treating on honourable terms?

A. I hope I shall stand justified with the members of that council when I have the honour to declare to this house, that our situation appeared to them so decided as not to admit of one dissenting voice.

Q. When Colonel Kingston brought back the first proposition, wherein it was specified by Major General Gates that the army should lay down their arms in their entrenchments and surrender prisoners of war, does your Lordship remember that General Burgoyne, when he read them to the council, declared he would not set his hand to those conditions, or words to that effect?

A. I think the words of the proposal from General Gates were, that the British army should be ordered, by word of command from their adjutant general, to lay down their arms in the entrenchments. It was rejected with disdain by General Burgoyne, and the council concurred in his indignation.

Q. Were the counter proposals penned by General Burgoyne unanimously approved?

A. They were.

Q. When those proposals had been agreed to by General Gates, but copies not signed by either party, do you remember General Burgoyne informing the council of intelligence he had received from a spy in the night, and submitting to their consideration, whether it was consistent with public faith, and if so, expedient to suspend the execution of the treaty, and trust to events?

A. I do remember it.

Q. *Does your* Lordship recollect what was the result of *that consideration?*

A. The

A. The determination of the council on the question being put was, that the public faith was *bona fide* plighted.

Q. Though that was the opinion of the majority, was there not a difference of opinion in the council?

A. There was.

Q. Were the opinions of the several commanding officers asked respecting the condition of their respective corps, and what might be expected from them severally in desperate cases?

A. It was.

Q. Was there not on that question also, difference of opinion?

A. There was.

Q. After the convention took place, did your Lordship see the army of General Gates pass in review before General Burgoyne and General Phillips?

A. I did.

Q. From the manner and silence of their march, the order observed in keeping their divisions, and an apparent attention to their officers, did that army appear disciplined?

A. They marched in good order and were silent, and seemed to pay attention to their officers. These are essential points of discipline, but I saw nothing farther of it.

Q. From the general behaviour of the rebel troops in the different actions in which you was present in the course of the campaign, did you think them disciplined and respectable troops?

A. When I answered the last question, I spoke to the manœuvre I saw upon the spot; at all times when I was opposed to the rebels, they fought with great courage and obstinacy.

Q. Judging by your eye, and the time the rebel army was marching in review, did you form any judgment of their number?

A. It requires great experience to make a computation of numbers, by seeing them pass: as far as I could judge on the occasion, they seemed to me to amount to thirteen or fourteen thousand rank and file, under arms.

Q. Has your Lordship reason to know or believe, that the troops that passed in review were exclusive of those corps that had been posted on the other side of the Hudson's River?

A. They were exclusive of those corps.

Examined by other members of the committee, and by General Burgoyne occasionally.

Q. What was the general opinion of the army of General Burgoyne's behaviour in action and in difficulty?

A. It appeared to me that General Burgoyne always possessed himself in every situation of danger and difficulty, and I may venture to say it, appeared so to the army.

Q. Had General Burgoyne the confidence of the army?

A. He had.

Q. After the arrival of the troops at Cambridge, were the officers and soldiers of the army satisfied with the General's efforts to contribute to their comfort and redress their grievances?

A. They were.

Q. Was the army satisfied with the General's behaviour at the court-martial held on Colonel Henley?

A. He carried on that prosecution in person, and as such they were satisfied with him.

Q. Did you ever hear any officer or soldier of that army, express any dissatisfaction at the General returning to England?

A. I did not.

Q. Do you think that the officers of that army wish to have their respective merits stated to their Sovereign by the General in person, who had the honour of commanding them.

A. It was the wish of that army that General Burgoyne should go to Europe, to justify not only his own conduct, but the conduct of the army he commanded.

Q. Does your Lordship apprehend that the return of General Burgoyne to that army under personal disgrace, and without any distribution of preferment among the distinguished officers of that army, would be any sort of consolation to the troops under captivity?

A. General Burgoyne at all times shared the dangers and afflictions of that army in common with every soldier; as such they looked on him as their friend, and certainly would have received him in person, or any accounts of him, with every mark of affection.

Q. Your Lordship having said, that if the rebels had maintained their post at the ascent from the low countries to the Pitch-Pine Plains in the march from Fort Anne to Fort Edward, artillery would have been of great use to dislodge them: will your Lordship say what kind of artillery, of what calibre would have been necessary for that purpose?

A. Any of the artillery officers now under the order of the house, can give a much more satisfactory answer to that question than I possibly can.

Q. Did you see that post?

A. I think I said, I did see it.

Q. *With* what kind of work was that post fortified?

A. I spoke of it merely from its situation.

Q. Were there then any works, or none?

A. I don't recollect there were any works.

Q. If the army, after taking Ticonderoga, had been embarked and proceeded directly to South Bay, would there have been any occasion to have attacked the post at Pitch-Pine Plains at all?

A. The army did proceed by South Bay, excepting a detachment of General Fraser's corps, and some Germans to support him, and the army assembled at Skenesborough on the 9th or 10th of July.

Q. Was it necessary to go to the post at Pitch-Pine Plains in order to go to South Bay?

A. They had no sort of connection with each other.

Q. Might not the army have proceeded to Fort Edward, and omitted the attack of that pass, supposing it had been meant to be defended?

A. There were two routes to Fort Edward, General Burgoyne might still go the same route without any necessity of attacking that post, as there might have been many different ways of dislodging the enemy from that post without attacking it.

Q. In how many instances do you remember the rebels defending their entrenchments after they had made them?

A. We never got a view of any of their entrenchments but such as they had voluntarily abandoned.

Q. Is it then to be understood that they never defended any entrenchment?

A. They never did.

Q. Did you ever hear General Fraser express his approbation of the passing the Hudson's River?

A. I never did.

Q. Did you ever hear General Fraser express his approbation of the Bennington expedition?

A. That detachment was made and the business concluded before I ever heard of the project or execution.

Q. Have you occasion to know when the first detachment was sent out under Colonel Baume, where they were ordered to rejoin General Burgoyne after they had performed the service they were sent on.

A. I don't know.

Q. Whether in your Lordship's opinion after the loss the rebels had sustained over night in the action of the 19th of September, if they had been attacked briskly at break of day, the next day there, was a probability that they would have stood their ground?

A. I have not hesitated to give an opinion upon supposed matters, which must have been attended with evident and demonstrable consequences, but I beg the indulgence of the house in declining to give any opinion upon any question relative to speculation or judgment. Had any general officer of that army under General Burgoyne been present in this country, I should have confined myself merely to the manœuvres of the corps I commanded: as there is no general officer here, I wish to give this house every information consistent with my rank in the army.

Q. Had you any information that might indicate to you that the rebels were prepared to decamp after the action of the 19th of September?

A. I was ignorant of any such intelligence being received.

Q. Had you any information of their baggage being packed up?

A. I have already answered, that I had no information at all about it.

Q. In the action of the 7th of October, on which side did the rebels force our lines and make a lodgment?

A. The lines to the right were stormed and carried.

Q. Were the lines attacked to the left?

A. To the left of that post they were, but not to the left of the army.

Q. Did not the possession of Fort Edward, and the country thereabouts, cut off the retreat of any garrison that might have been in Fort George?

A. It undoubtedly did.

Q. Had the army proceeded to Fort George by Ticonderoga and Lake George, might not the enemy have remained at Fort George till trenches were opened, and have still had their retreat secure?

A. That is a matter of opinion upon speculation.

Q. Do you not think that the British army being well provided with artillery was a probable reason for their not defending their entrenchments?

A. The reason they did not defend their entrenchments was that they always marched out of them and attacked us.

Q. Does your Lordship think it would have been adviseabe in point of prudence, or just to brave troops who had suffered severe loss, to attack an enemy the morning after that loss, posted within entrenchments which it was impossible to reconnoitre?

A. That attempt was tried on the 7th of October and did not succeed.

Q. Were

Q. Were not the enemy reinforced between the 19th of September and the 7th of October?

A. I think it is likely they were.

Q. Were they likely to be in better spirits to repel an attack the day after they had been repulsed with great loss, or when they had been reinforced and seen an army lie three weeks inactive in their camp?

A. I do not judge of the spirit of the enemy, but when I was opposed to them myself.

Q. On the first day of the action, when the enemy was repulsed on the 19th of September, had not our army suffered very considerably?

A. They suffered a very considerable loss.

Q. Was not the army recruited and in better order on the 7th of October, than they were on the 20th of September?

A. Number of the men who had been wounded and disabled in the action of the 19th, joined their corps on the 7th of October.

Q. Was the behaviour of the enemy opposed to your Lordship in the actions you have seen, such as to make them contemptible in the eye of a soldier?

A. I have already mentioned that they fought at all times with courage and obstinacy?

Q. Whether the behaviour of the enemy was such as to make advantages obtained by them over his Majesty's troops, more humiliating and disgraceful to the British arms than the same advantages obtained by an equal number of any other troops?

A. I felt myself more humiliated, until I considered that those advantages proceeded from the nature of the country, and not from the want of zeal or bravery in the British troops.

Q. Whether the enemy's troops were such bad troops as to make it more disgraceful to have an advantage obtained by them over the King's troops, than by the like number of any other enemy over a like number of his Majesty's troops in the same circumstances of country?

A. The advantages gained by the rebels over the British troops proceeded from their local situation, and not from the want of courage in the British troops—we were taught by experience that neither their attacks nor resistance were to be despised.

Q. Did you ever serve against any other troops?

A. I commenced my service in America.

Q. Whether the army under General Burgoyne in general expected co-operation, in their efforts to go to Albany, from the army under the command of Sir William Howe?

A. General Burgoyne gave it out in general orders, that he had every reason to believe that powerful armies were acting in co-operation with the army he had the honour to command.

Q. Did you know at what time that order was given out?

A. The adjutant general's book will shew it: I think it was about the 3d of October.

Q. Does your Lordship believe that if the army under General Howe had co-operated up the North River, with the army under General Burgoyne, that the army under General Burgoyne would have been obliged to have made the convention it did?

A. That is a matter of judgment. The army looked forward to that co-operatoin, which they were led to understand by the orders General Burgoyne had given out, with pleasure.

Q. What was the general opinion of the officers of the army in which you served, on that subject of co-operation?

A. I do not think my rank in the army entitles me to give my opinion on that subject, I shall still less presume to give that of others.

[*Withdrew.*

Then he was called in again, and several parts of the examination, particularly that which immediately follows the place where it is said that his Lordship was examined by other members of the committee were read.

And then the last question which was put to his Lordship, immediately before he withdrew was repeated with this addition, *to the best of your recollection and information?*

A. I have already declined answering that question.

Q. When did you first know that there was to be no co-operation from General Howe's army, and that Sir William Howe had carried his army to Chesapeak Bay?

A. I did not know we were to expect no co-operation until after the convention was signed.

Q. When did you first hear that Sir William Howe was gone to the southward?

A. It was reported so in the army about the beginning of the campaign, before we crossed the river.

Q. When was that report first confirmed so as to make it a matter of belief?

A. I never knew it was confirmed at all.

Q. Whe-

Q. Whether you yourself was not surprized or disappointed, or both, when you first understood that there was not to be any co-operation from Sir William Howe, but that Sir William Howe's army was gone to Chesapeak Bay?

[*Withdrew.*

Again called in.

Q. Whether you yourself was surprized or disappointed, or both, when you first heard that Sir William Howe's army was gone to Chesapeak Bay?

A. I neither knew the object of the campaign, nor its expectations, and therefore cannot speak to any manœuvre of which I could not know the tendency.

Q. Did the army in general express themselves pleased at the news of Sir William Howe's being gone to Chesapeak Bay?

A. The answer to the last question, as it relates to me in particular, relates to them in general.

Q. Whether your Lordship, as a matter of fact, in the conversation you had in the army, on the news of Sir William Howe's being gone to Chesapeak Bay, heard those you conversed with express themselves pleased, or talk of that expedition to Chesapeak as a powerful co-operation with General Burgoyne?

A. I think that question is fully answered in the two preceding ones.

Q. Whether you did not think General Howe fighting Gen. Washington's grand army at the battle of Brandywine, was a very capital co-operation with the army under General Burgoyne?

A. I was not at Brandywine.

Q. Whether you was not surprised, when you returned home to this country, to learn that the secretary of state for the American department had information from General Howe of his intentions to go to the southward, before General Burgoyne departed from this country, and never communicated that information to General Burgoyne before his departure for Canada?

A. I have the honour to stand before this house as a military man, and not as a politician, and cannot answer any question but those relative to my own profession.

Q. What was your Lordship's opinion of the spirit of your own corps?

A. The opinion I gave in the council of war relative to the spirit of the corps I commanded was, that they were willing

ling and zealous to undertake any enterprize that General Burgoyne would please to employ them upon.

Q. When advice was received that Sir Henry Clinton was coming up the North River, did you apprehend the treaty of convention had gone so far that it could not be broken?

A. My opinion was, with respect to that question, that all military negotiations were fair and justifiable to make delays and to gain time; I therefore thought and declared my sentiments, that General Burgoyne was at full liberty to break off that treaty in the stage it then was, and I could not conceive that the public faith was engaged until the treaty was actually signed and exchanged.

Q. Whether the opinion of General Burgoyne, of General Phillips, of Brigadier Hamilton, and several other officers, did not coincide with your opinion in all the matters comprised in the last question?

A. As General Burgoyne seems desirous that I should answer that question, I declare his sentiments were the same with those I have now delivered. I hope that the other members of that council will soon be in a situation to stand forward and to declare the opinion they gave on that and every other question.

Q. When the question relative to the point of public faith was decided by the majority of the council, was not the concurrence for signing the convention unanimous?

A. It was.

Q. What day was it first known that Sir Henry Clinton had taken the highlands and was coming up the North River?

A. In the night of the 16th of October. [*Withdrew.*

Captain *Money* called in and examined by General Burgoyne.

Q. Was not you deputy quarter-master-general of the army under the command of General Burgoyne in 1777?

A. I was.

Q. After Lieutenant Colonel Carleton returned to Canada, was you the superior officer in that department?

A. I was.

Q. As such did you make it your business from the beginning of the campaign to get a knowledge of the country?

A. Whenever there was any occasion to obtain the knowledge of any particular part of the country, a party was always sent with me for that purpose, but the woods were so thick that it was impossible to go without a party.

Q. Was you well acquainted with the country between Skenesborough and Fort Edward?

A. I

A. I was.

Q. How long was the army employed in making the roads practicable between Skenesborough and Fort Edward?

A. About six or seven days in making the road between Skenesborough and Fort Anne, and between Fort Anne and Fort Edward I don't believe the army was delayed an hour on that account; there was a very good road made by the rebels the year before between Fort Anne and Fort Edward, in which road the rebels had cut down some few trees, which took the provincials in our army some few hours to clear.

Q. Does not the possession of the country in the neighbourhood of Fort Edward necessarily prevent the retreat of a garrison that might be in Fort George?

A. It prevents the getting off any artillery or stores, but a garrison might get through the woods in case we were in possession of the ground in the neighbourhood of Fort Edward.

Q. Did not the garrison of Fort George evacuate the fort upon the approach of the King's troops towards Fort Edward?

A. I heard they did; I was not near enough to see.

Q. Had the army taken their route by South Bay, Ticonderoga, and Lake George, how many batteaux do you imagine it would have taken to carry the troops solely over Lake George, exclusive of provisions and stores?

A. I think between three and four hundred, which batteaux must have been carried up out of Lake Champlain to Lake George.

Q. What time would it have taken, as you imagine, to have drawn those batteaux over the land between Lake Champlain and Lake George with the horses then at Ticonderoga?

A. I suppose a fortnight, 400 batteaux.

Q. Though there were no troops passed over Lake George, how long did it take before the first transport of provisions arrived at Fort George?

A. I can't recollect precisely.

Q. Considering the length of time it took to transport the provisions without the troops over Lake George, was not the army forwarder in their way to Albany, in point of time, by the route they took, than they could have been by the route of Ticonderoga and Lake George?

A. I have already said that it would take a fortnight to transport the 400 batteaux from Lake Champlain to Lake George, it therefore would have delayed the army a fortnight longer

longer than they were delayed, to have returned from Skenesborough by Ticonderoga and gone across Lake-George.

Q. Was you commissary of horse as well as deputy quarter-master-general?

A. I was.

Q. What is the nature of that department?

A. It was to take charge of all the horses furnished by contract for General Burgoyne's army; by my letter of instructions from General Burgoyne, I am directed to give proper orders and directions to the drivers furnished by that contract for the purpose of transporting provisions and stores brought to Fort George for the use of the army.

Q. Did you report from time to time to Major General Phillips, and take orders from him as well as from General Burgoyne?

A. Yes.

Q. Were not the orders from both the Generals invariably precise and pressing for using all possible diligence in forwarding the transport of provisions?

A. They were. There was one order which I will read, as it will fully answer that question——it is dated August the 18th, Duer Camp, and is in these words: "It having been a practice for officers to order to be taken from the provision-train, in the service of the King for this army, the carts and horses for the carrying baggage and other purposes; to avoid for the future the dangers and inconveniencies to the service, it is in the most positive manner ordered, that no cart or horse are to be used but for the public transport of the army; nor is any officer, accidentally coming to any particular post, to interfere with the provision-train in any other manner than to give it every aid and assistance, which he is on all occasions to do."

Q. Was not the transport of merchandize and even suttlers stores, as well as of officers baggage, positively forbid till the transport of provisions should be over?

A. There was such an order, and a seizure made of two barrels of Madeira and two barrels of rum, which was ordered to the hospital.

Q. Do you recollect General Burgoyne's expressing at several times particular anxiety on the subject of expediting the transport of provision?

A I do remember once to have heard General Burgoyne express his concern at our not being able to bring forward

ward a greater quantity of provisions to enable him to proceed with the army—I do recollect to have heard him say with very great earnestness to General Phillips and Colonel Carleton, that one month's provisions at that particular time (it was about the latter end of August) would be worth 100,000l. to Great Britain.

Q. Do you think that the commissary of waggons and other carriages was authorised to buy or hire ox-teams whereever they could be had, and that all draught cattle taken were appropriated to the transport?

A. He received such directions.

Q. How many carts and ox-teams could be mustered at any one time?

A. I think only 180 carts could at any one time be mustered; the number of ox-carts I really forget, but I believe between twenty and thirty.

Q. About how many days provision for the troops and all other persons fed from the King's stores could that number of carriages convey?

A. There never was any trial made; but if I may presume to judge from the proportion brought forward, over and above the daily consumption of the army, I should suppose all those carriages would not carry more than four days provisions at most——I am speaking at random, as no trial was made.

Q. Did it not sometimes happen, from accidents of weather and roads, and the tired state of the cattle, that not more than one day's provision could be brought forward in a day?

A. It did.

Q. How many hours did it take, one hour with another, to draw a batteau from Fort George to Fort Edward?

A. In general about six.

Q. Was not the unloading the carts at Fort Edward and embarking the contents in batteaux, unloading the batteaux at the Upper Falls of Fort Miller, and a second time unloading them at the Lower Falls, dilatory as it was, a more expeditious method than it would have been to have carried the provisions the whole way in carts?

A. I do apprehend it was not possible, in the feeble state I found the horses furnished by contract, to have brought forward the daily consumption of provisions for that army down to Fort Miller. In the month of August, in the latter end of that month, at which time I was appointed commissary-general

of horse, I made on the 1st of September a general muster, and found thirty horses unserviceable from fatigue and hard labour.

Q. Was the transport of provisions at any time impeded by the bringing forward the artillery from Fort George?

A. The artillery had a separate contract for horses, with which they brought forward their own stores. I don't recollect that any part of the provision train were ever employed in bringing forward artillery or artillery stores.

Q. Was it possible, with the means we had, to collect a month's stores of provisions sooner than it was collected?

A. I believe not without the utter ruin of the horses furnished by contract for the purpose of transporting stores.

Q. Was you present in the action of the 19th of September?

A. I was.

Q. Did the enemy dispute the field that day with obstinacy?

A. They did, and the fire was much heavier than ever I saw it any where, unless at the affair of Fort Anne.

Q. Do you know how long the regiments of the British line were under that fire?

A. The three British regiments (the 20th, 21st, and 62d) were engaged from three o'clock in the afternoon till seven in the evening; and whilst I was a prisoner, I heard the rebel quarter-master-general say, they had nine different regiments in the field opposed to the three British I have named.

Q. Do you know the loss the three British regiments sustained?

A. I can't say.

Q. Do you remember the state of the 62d regiment when they came out of the action?

A. I can't speak to the particular strength of the regiment when they came out of action, but I heard that there were not 100 rank and file.

Q. How many officers were left in that regiment at the end of the action?

A. I can't answer that question.

Q. From the general state of the three British regiments, do you think that they would have been in a proper condition to have attacked the enemy the next morning?

A. Certainly not, nor to go on any service whatever.

Q. About what time of the day did the enemy finally give way?

A. They

A. They gave way very often, finally about seven in the evening.

Q. Was it practicable at that time of the evening and in that kind of country to have pursued?

A. I should think not.

Q. Was you not often employed between the day of that action and the action of the 7th of October to reconnoitre?

A. I was.

Q. Was you able to obtain a view of the enemies position?

A. I obtained a view of the position of the right of the rebel entrenchments?

Q. What was the nature of their position to the right, with regard to entrenchments?

A. They were posted on a hill that came very near the river; on the top of the hill was a strong breast-work, at the foot an abbattis.

Q. Did it appear to you, that that wing of the enemy was attackable?

A. It is a question that is scarce in my line of service to answer, but as there are no general officers nor older officers than myself who served under General Burgoyne, I hope no military man will think me presuming to give my opinion on that subject; I do think that we could not have attacked the right wing of the rebel entrenchments without risking the loss of the whole army, and with little probability of success.

Q. Could you obtain a view of the left wing of the enemy?

A. I never saw the left wing of the enemy's entrenchments till I was taken prisoner and conducted through their works.

Q. On the 7th of October, was you in a situation to see the enemy advancing to the attack of our left?

A. Yes.

Q. Did they advance under a well served fire of grape shot from our artillery?

A. I was in a situation that gave me an opportunity of seeing the directions of the rebels columns, and I was very much astonished to hear the shot from the enemy fly so thick after our cannonade had lasted a quarter of an hour.

Q. When the British grenadiers were forced last from their post, what ensued?

A. I did not see the British grenadiers forced back; I saw them on their march, as I apprehended taking a different position;

tion; at that time several of them broke their ranks, but, on some aid-de-camps calling to them for shame, to continue their ranks, they marched away to their station in good order; a battalion of Brunswickers that were on the left of the artillery, quitted their ground as soon as the firing began, and to the best of my recollection, I did not see they left a man behind them on the ground. I would add, that after some difficulty that battalion was brought to make a stand in the rear of the artillery, but in no order.

Q. Was not that battalion brought to that stand by the activity and exhortation of Major Reidesel?

A. I did not see General Reidesel endeavour to stop the battalion, but I saw an aid-de-camp of his and a brigadier-major with their drawn swords keeping them up. I did see General Reidesel immediately afterwards on the right of the artillery, with the battalion perfectly formed and in good order.

Q. Do you imagine that the giving way of the battalion you first described, was the cause that the artillery on that spot was taken, and yourself and Major Williams being made prisoners?

A. I believe it contributed in some measure towards the loss of the action on that day; but before Sir Francis Clarke died of his wounds, he told me that he received his wound in bringing orders for the artillery and the whole of the detachment to return to camp: and to the circumstance of Sir Francis Clarke's being wounded, I do attribute the loss of the artillery, if not the loss of the whole army.

Q. Had you an opportunity after you was prisoner, to see the left of the enemy's entrenchments?

A. I had.

Q. Was the ground within cannon-shot of the left open, and commanding it?

A. All the ground that I saw was cleared and entrenched.

Q. Was there not ground within cannon-shot that would have commanded that entrenchment on the left?

A. There was.

Q. Had we gained possession of that ground, and been able to erect batteries of our heaviest guns, would not the whole lines of the enemy been enfiladed?

A. The ground alluded to was entrenched, and commanded the whole of the rebel camp and lines; if the army had got possession of that ground, I do not believe the rebels would have staid one hour in their camp.

Q. Did

Q. Did you ever hear, in conversation with the rebel officers, that General Arnold, foreseeing that inconvenience, had marched out of his lines and attacked without orders from General Gates?

A. I did hear that General Arnold had marched out on the 7th of October without orders from General Gates. I did also hear that he advised the going out to meet General Burgoyne on his march and engaging him before he approached their lines; and the reason he gave was this: if General Burgoyne should ever come near enough their lines to be able to make use of his artillery, that he would certainly possess himself of their camp, that their troops in that case would never stand any where; but if, on the other hand, the rebels should be defeated in the woods, the troops would after that have confidence in their works; for which reason Arnold advised risking an action in the woods, before General Burgoyne came near enough to see their works.

Examined by other members of the committee, and by General Burgoyne *occasionally.*

Q. Did not your situation, as deputy quarter-master-general, lead you to mix very much with the different officers of the army?

A. It did.

Q. What do you apprehend to be the general opinion of the officers of General Burgoyne's conduct, as well in action as in the many trying occasions which have been stated by you at the bar?

A. They entertained a very high opinion of General Burgoyne's conduct.

Q. Had General Burgoyne the full confidence of the army under his command to the last moment?

A. He certainly had.

Q. What was the army's opinion of the rebels after their retreat from Ticonderoga?

A. The army in general did not think, after they had evacuated Ticonderoga, that they would make a stand any where.

Q. What was the reason given in your army for the expedition to Bennington?

A. I believe I cannot answer that question better than by reading an abstract from the general's orders the day after that action.

August 17th, Duer Camp. "It was endeavoured, among other objects, by the expedition which marched to the left, to

provide such a supply of cattle as would have enabled the army to proceed without waiting the arrival of the magazines; that attempt having failed of success, through the chances of war, the troops must necessarily halt some days for bringing forward the transports."

Q. Why did the army remain from the 16th of August to the 13th of September, before they crossed the Hudson's River to engage the enemy at Still-Water?

A. To bring forward a sufficient quantity of provisions and artillery, to enable the general to give up his communication.

Q. What was the opinion of the army on their crossing the Hudson's River?

A. They did think it was their indispensable duty to proceed forward and fight the rebels, who we heard were then at Still-Water.

Q. Did you ever forage to the right of General Fraser's camp before the 7th of August?

A. We never foraged to the right of the camp at Freeman's Farm at any one time. On the 7th of October, while the troops were in the field, General Fraser ordered all the batmen and drivers belonging to the brigade to come and forage in he rear of the troops.

Q. Do you know what was General Fraser's opinion on your foraging to the right?

A. I do know that General Fraser mentioned to me, on the 5th of October, that there was forage on the right of his camp; but at that time the ground on which that forage was to be met with was in the possession of the rebels' advanced post.

Q. Do you think your army would have been lost if even the expedition to New York had taken place a few days sooner?

A. If the troops had arrived at New York soon enough to have enabled Sir H. Clinton to have made his expedition up the North River a week sooner, I do conceive our army would not have been lost.

Q. What was the opinion of the rebels on Sir William Howe's going to the southward?

A. I was not acquainted enough with the rebel leaders to hear their opinion on that question. I do not think that the peasants of the country were judges of the propriety of Sir William Howe's conduct.

Q. What was the opinion of the officers of Gen. Burgoyne's army, after it was lost, relative to the crossing Hudson's River?

A. They

A. They did think that the alternative of retreating with their army to Canada, or proceeding to Still-Water, under the necessity of giving up his communication, to be an unfortunate situation; but I never heard any officers say that they thought General Burgoyne had done wrong: many said if he had retreated without risking an action, at the time Sir Henry Clinton was coming up the North River, the army would never have forgiven him, nor would he ever have forgiven himself.

Q. Was you at New York after the loss of General Burgoyne's army?

A. Yes.

Q. What was the opinion or the language of the military at that place relative to Sir William Howe's expedition to Pennsylvania?

A. Whatever opinion was formed of Sir William Howe's expedition to Pennsylvania, or is formed previous to this inquiry, such an opinion must have been ill-founded, as Sir William Howe's reasons were not known, nor his instructions communicated to the public.

Q. From your last answer, is the committee to understand, that the opinions that were formed, respecting Sir William Howe's expedition to Philadelphia, before this inquiry, were not in favour of the expedition?

Question objected to. [*Withdrew.*

Again called in.

Q. You have said that the army thought it their indispensable duty to pass over Hudson's River: why did they think that that measure was particularly their indispensable duty?

A. If the Hudson's River had not been there, the army would have thought it their indispensable duty to have gone and risked an action before they returned to Canada. If I recollect right, I said, that if the army had returned to Canada without fighting, that the army never would have forgiven the general, nor the general have forgiven himself.

Q. Do you know the nature of the country between the place where we passed the Hudson's River and Albany, on the east side of the river?

A. Yes; I do.

Q. Could the army have taken that route in order to pass the river opposite or near to Albany?

A. The army could not have taken that route, as part of the way was a swamp, and on the right of the rebels' entrenchments was a mountain, very rugged and not passable, nearer than two miles from the river.

Q. Was it not a necessary consequence then that the boats must have been abandoned if the army had taken that route?

A. I think I have said the army could not take that route; if the army had marched on the east of the Hudson's River, they could not have marched near enough to have covered their provision batteaux from the rebel force on the west side of the river.

Q. Did the army under General Burgoyne, on their approach to Albany, expect a co-operation of the army under Sir William Howe upon the North River?

A. They did; and this is the order given by General Burgoyne at Freeman's Farm, October the 3d.

"There is reason to be assured that other powerful armies are actually in co-operation with those troops, and although the present supply of provision is ample, it is highly desirable to prepare for any continuance in the field that the King's service may require, without the delay of bringing forward further stores for those purposes, the ration of bread or flour is, for the present, fixed at one pound."

Q. Are you acquainted with the North River from New York to Albany?

A. I am not.

Q. How many days march is it from Fort Edward to Albany if no interruption from an enemy?

A. I cannot answer that question, unless I am to suppose that a bridge was ready formed for the troops to pass over on some part of Hudson's River, between Batten Kill and Fort Edward, or htat there were vessels ready to transport the troops over Hudson's River.

Q. Is the distance so great between Fort Edward and Albany that the army could not carry provisions with them to support them during the march?

A. Certainly Albany is not at so great a distance from Fort Edward but that a corps of troops might certainly carry provisions sufficient for the march to Albany.

Q. Was it not understood that if you had arrived at Albany that the army would have found plenty of provision there?

A. It was generally believed, and I believe it myself firmly, that if the army had got to Albany we should have found a number of loyal subjects that would have joined and done every thing in their power to have established the army at that place.

Q. Must

Q. Must not the army, to march from Fort Edward to Albany, have necessarily carried a number of boats to form a bridge to pass the river?

A. There was no passing the river well without a bridge of boats, and there were not scouts enough on that river to make a bridge.

Q. Would not the necessary delay arising from carrying forward those boats, and throwing a bridge fit to pass an army, have consumed more time than it was possible for that army to subsist, with such provision as they could carry with them?

A. I should think it would.

Q. You will give the committee what information you can respecting a road from Fort Edward to Albany on the left side of the river?

A. I have answered that fully.

Q. Whether, by taking a pretty large circuit, the army could have reached Albany and avoided the swamps you mentioned?

A. Certainly not on the east side of the river, because the enemy, being on the opposite shore, would certainly have opposed General Burgoyne's army crossing the Hudson's River at Albany, the river being three times the width it is at Saratoga. [*Withdrew.*

May 28.

In a committee on the house-tax bill, Mr. Alderman *Bull* moved an amendment to the clause which relieves warehouses attached to dwelling-houses from the tax, when they are mere repositories, and meant for wholesale only. This clause would in fact, stated as it is, take in a very small part, if any of the warehouses in London; for use was made in the way of sale of almost every one, which might be construed to be retail, although it was not so; and endless distinctions and litigations would arise, very pernicious and destructive to trade. He instanced several branches of trade where samples were daily sold, and taken from the warehouses previous to greater purchases. He therefore moved, that the words "by wholesale only," be omitted. A short division ensued on this, and on a division that the words do stand part of the clause, the numbers were, ayes 74; noes 29.

Mr. Alderman *Sawbridge* then moved, that all houses of 40L a year or upwards, that had a shop or shops attached to them, be charged no more than 9d. per pound. The reason,

of this amendment, he said, was clear; shops were the principal cause of the highness of rent, and the tax, in such instances, was more upon the trade than the ability of the inhabitant. This amendment was also over-ruled. The numbers were, noes 72; ayes 19.

Mr. Alderman *Sawbridge* then moved, that the clause be repealed which taxes all houses that have an acre of land adjoined to them. This he said made the house-tax bill a positive land-tax bill.

Sir *Grey Cooper* gave as a reason for this clause, that there were, in different towns of England, many houses with gardens attached to them, without which the houses of themselves would be of no value.

Mr. *Burke* said, this argument was the most forcible that could be brought for a repeal of the clause; for it argued fairly that it was not the house but the garden which was taxed, and it was positively bringing a new assessment on the landed property of England.

Mr. *Sawbridge* said the same; but on a division this also was over-ruled. The numbers were, noes 69; ayes 18.

The bill was reported, read a third time and passed. Adjourned to the 31st.

May 31.

House in committee of supply.

Lord *North* began by recapitulating that, by the budget in February last, the supply voted was 11,905,000l. and a fraction; that the ways and means on that day were land and malt annual, 2,750,000l. and the loan 7,000,000l. total 9,750,000l.

By his second budget in March, the taxes upon chaises travelling post; by a surcharge of five *per cent.* on the revenues of customs and excises; and by the stamp duties intended to supply the deficiencies of the duties on leather, soap, and candles; the interest to be paid on these 7,000,000l. amounting to 472,000l. *per annum*, were provided for.

This day was the tail of the budget, or a general account of debtor and creditor. Supply already voted, 11,905,000l. army extraordinaries, &c. stated Feb. 24, 3,197,000l. and votes not stated then, but since passed, 110,000l. in all 15,200,000l. and a fraction. The difference to be still provided for, or excess of supply, was 5,400,000l. To make up this difference, he would charge the sinking fund with 2,000,000l. Here his Lordship entered into an account of the sinking fund, and the deficiency of the house and servants tax of last year. He would take it only at 2,000,000l.

for

for the three quarters, ending at Christmas, though he believed he would be obliged to anticipate part of the spring quarter. The 700,000l deficiency of last year, occasioned by the house and servants tax chiefly, was made up out of the quarter ending at Lady-day, after which there remained a surplus of 71,000l. To pay off the Exchequer bills of last year, he meant to circulate bills to the same amount of 1,500,000l. and 500,000l. to pay the lottery prizes, after which there would still remain a surplus unprovided for, or deficiency of ways and means, of 1,400,000l. The million and a half Exchequer Bills had been long in circulation; the half million to pay the lottery prizes of last year would not glut the market; and the bank, which on all occasions shewed a disposition to oblige government when in their power, would circulate the half million without any additional expence to the nation. The 1,400,000l. would still remain to be provided for, which he expected to receive from the East India company for the renewal of their charter; but, for reasons not necessary to mention, that had been deferred till the next session. If the bank could not conveniently circulate this latter sum, it signified very little; they could be circulated without imposing any hardship on that company, by issuing them in payment, &c. and, in his opinion, it was of very little consequence, or could have no effect on the market, whether this 1,400,000l. deficiency of ways and means, got into the market in the shape of exchequer bills or India bonds, which last must have been the case, had the original intention succeeded, that of procuring the difference from the East India company.

He had to lament that no part of the navy debt could be paid off in the course of the present year; but that was owing to the refusal of the persons who negotiated the loan to lend the other million. The loan turned out beyond expectation. He would not say that the original subscribers received the benefit or advantage entirely; but it was plain that it was a very advantageous bargain to those concerned in it, or those who held the subscription when the stock rose.

It was an unfortunate circumstance that the subscribers to the preceding loan were so great sufferers; but that was balanced by the pleasing prospect, that money would be had the next year with greater facility, and upon better terms. There were, besides, good grounds for this expectation. The territorial revenues of India gave the nation a right to expect an equivalent; and, in a year or two more, 200,000l. *per*

annum would fall into and augment the sinking fund, on the ceasing of the one *per cent.* annuities granted during the late war; so that, on the whole, he had every reason to expect that money would be had the next year upon good terms, without laying any additional burthens on the public.

His Lordship then went into minor calculations, relative to deficiencies of hundreds and fifties, and surpluses of no consequence. French prizes, sale of lands in the ceded islands, surcharges and deficiencies, &c. and wound up a detail of an hour and twenty minutes, with stating a surplus on the whole of an excess of 71,000l. of ways and means to the supply.

Mr. *Hartley* observed, that although the noble Lord stated the debtor and creditor of his budget at fifteen millions and a fraction, it was little short of twenty. There would be a million vote of credit; the navy debt had increased within the last year, 2,300,000l. and it was estimating extraordinary services very low to rate them at a million and a half; he meant such as were not, nor could not be properly brought to account within the year.

He mentioned the unfunded debt; the exchequer bills in course, he said, were 1,500,000l. there were 500,000l. intended to be circulated to supply those issued last year; 1,000,000l. new vote of credit; upwards of 5,000,000l. navy debt; 1,400,000l. more proposed to be circulated by the present resolution; the whole amount to nearly 11,000,000l. If the war was to terminate at the end of the present year, he believed it would not be too high a calculation to say, that the cost of it would amount to 10,000,000l. more. The extraordinaries of the last war, or the sums left unprovided for, were 10,000,000l. but supposing they should only be 5,000,000l. the unfunded debt left floating in the market would amount at least to 16,000,000l. a monstrous sum indeed, if to it were added the funded debt already contracted, the produce of the sinking fund for the four last years, and an additional expence of 10,000,000l. for the next campaign, should not a peace be agreed upon in the interim! indeed, if it were, the greater part of the expence must be unavoidably incurred.

He then stated the naval force of France, and said, it was nearly equal to that of Great Britain, in the Channel and America; and contended, that Spain held the balance in her hand, and that her weight would preponderate the scale in favour of which ever party she espoused. He affirmed, that we held the empire of the ocean but at the will and pleasure

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of the house of Bourbon; that considering how nearly equal France and Great-Britain were at sea, forty ships of the line, which Spain had ready in her ports, would give a decisive superiority against England, both in Europe and the West-Indies. He was proceeding further in this argument, but was called to order by

Earl *Nugent*, who said, he would never sit silent and hear it asserted, that Great-Britain held the empire of the sea at the will of the house of Bourbon.

Mr. *Burke* called his Lordship to order; said, his honourable friend was giving his reasons in debate, that Spain had forty men of war of the line, which was a fact, if true, that he had a right to state in argument in support of his opinion.

Mr. *Hartley* resumed his speech, and to prove what he affirmed to be true, took two lists of the Spanish navy out of his pocket, by the first of which it appeared that there were forty ships of the line at Cadiz and its neighbourhood in September 1777; and by another list, which he received the latter end of the year 1778, that there was one of eighty, five of seventy-four, and two of sixty-four, built in the interim. He had his account from a person who had been on board every ship, could describe its state and condition, and if the noble Lord doubted the fact, he was ready to produce the person at the bar. He then entered into a long account of the state and disposition of France, Spain, and Great-Britain, and recommended to hold out new terms to America, as the only means left of preventing the total ruin of this country, and the dissolution of its naval power. He said, Spain was inclined to break with England, and if she did, all hopes of accommodation with America would be totally at an end.

Mr. *Burke* said, the public lay under great obligations to the honourable gentleman [Mr. Hartley] who had just sat down, as well on the present as on many former occasions. His details were always important and correct, and in particular well worthy the attention of the noble Lord in the blue ribbon.

The honourable gentleman had stated, and truly stated, that the expence of the campaign 1779, would be little short of the enormous sum of twenty millions, including the navy debt, vote of credit, and services; which, from the manner they were necessarily incurred, could not be regularly passed in account within the year. He had stated the unfunded debt

debt only at 16,000,000l. which he thought was considerably lower than it might be justly computed. He differed from the honourable gentleman with great reluctance and diffidence in matters of computation and finance; but he was convinced, that if the war was to cease the instant he was speaking, that a tail of ten additional millions of unfunded debt, which, with the eleven millions already stated by his honourable friend, would make in the whole twenty-one, or at least twenty millions of unfunded debt behind. The debt already funded bore an interest of nearly a million a year; this unfunded debt, when funded, would add to the interest paid to the public creditors about another million; so that the first face the American war at this stage of the business presented to the people of England, was, a mortgage on their lands, moveables, trade, and commerce, in perpetuity, of two millions a year, America lost, and not a shilling to balance this unparalleled loss, and an insupportable burden in return.

The noble Lord, if he could judge from his language, whatever his secret feelings might be, kept up his countenance tolerably well, and seemed to be already preparing for another American campaign. Says the noble Lord, the sinking fund will be more productive this year than it was the last; the house and servants tax will come into its aid; and, instead of being a burden, as they were to the amount of seven hundred thousand pounds this year, they will considerably augment its receipt in the next.

Says the noble Lord, a sum of money is expected the next year from the East India company; and in consideration of the territorial revenues, an annual supply will be expected by way of equivalent; and in a year or two, on the ceasing of some determinable annuities for years, the sinking fund will be further augmented to the amount of 200,000l. per annum.

For the present, I shall consider those golden promises in no other light than as they are held out, as stimulatives to induce this House and the nation to a farther prosecution of the American war.

You hear no more of raising the supplies within the year, but you are told of the increasing state of the sinking fund, and of a standing, fixed East India revenue, in which one supposition, perhaps impossible, is followed by another supposition, perhaps more impossible. The first is, the supposed flourishing state of the sinking fund, and the certainty of obtaining a settled revenue from India; the second is, whether those

those resources, if real, can or will present such a security to the money-lenders, the next year, as they will be willing to advance their money upon; but of this more hereafter.

The noble Lord is preparing for another American campaign; that is the main object of my rising. He gave us to understand, early in the session, that it was his intention to do so; that the present was to be carried on upon a moderate scale; that it was to be moderately fed; but that from the disposition of the people of America to return to their former state of obedience, and from the inability of the Congress to support their usurped dominion, the loyalty of the majority or body of the people, and the vigorous, unanimous exertions of this conntry, the fate of America would be determined in the year 1780. This was the substance of what fell in several conversations upon this subject. If I have misstated the noble Lord's sentiments, his Lordship will rise and set me right: if not, I shall take it for granted; and his financial discourse this day confirms to me, that I neither misunderstood, nor have misrepresented him. Here then is another ten millions to be added to our burdens, and an annual interest of half a million to be paid in prepetuity. If this however is certain loss, let us look forward to the probable gain. Nothing! America is lost; and all we have to balance against this risque and loss is, a war with France, Spain, and America! I shall beg leave to assign my reasons.

We have been sitting in this house twice a week, till midnight, in examining officers upon the probability of success in the American war. We have been informed that the people in general are hostile to us; that the face of the country, at almost every mile's distance, presents a native fortress; that the rebels are well disciplined; that they are the most dexterous in the world at raising field works and sudden defences; that, from the nature of the country, it is next to impossible to obtain intelligence; that the country in general is intersected by broad, deep, and rapid rivers; abounds in creeks, and is covered with woods and morasses. In short, that a successful war is totally impracticable with any force or assistance we could be able to procure and send.

This is not the language of declamation, of hearsay, or conjecture; the two generals who commanded there hold it; every officer of rank who served under them confirm it. What then is the next consideration? Most assuredly, if we cannot recover America, or if even the probabilities were balanced,

balanced, that it would be a most hazardous experiment, is to determine on the properest mode of relinquishing the attempt.

In the face of all these difficulties, however, the noble Lord appears determined to risk another campaign. The difficulties seem as nothing in his contemplation. The house and nation is with him, and all he looks for or attends to is the means. I recollect well when the noble Lord said, on the first budget day, the American war must be "moderately fed," the house resounded with hear'ems! while twenty fat contractors cried out with one voice, some in hoarser, some in more sonorous accents, "feed! feed! feed!" This deluded country was to be bled to death, to be plundered to the last shilling. What cared the contractors? Like so many ravens and birds of prey, they wished only to suck her inmost vitals, to feast on her entrails, and finally glut their all-devouring maws on her lifeless cadaver.

But to return to the means pointed out by the noble Lord for carrying on this ruinous war: an increase of the sinking fund! 200,000l, a year determinable annuities, and a permanent annual East India revenue. The noble Lord knows that the sinking fund will not answer what it is already charged with; he knows that the surcharge of the customs and excises, the post-horse tax, nor that upon stamps, cannot, from the nature of collecting them, be brought into the receipt of the exchequer by the end of the Christmas quarter. As he is sensible of all this, he must of course know, that instead of an increase of the sinking fund, there must be a decrease to the amount nearly of the interest of the whole loan of the present year, a sum of upwards of 400,000l. So much for his Lordship's expectations from that quarter.

As to the determinable annuities which will fall in 1781 and 1782, surely the noble Lord does not mean to be serious, when he states them as part of the ways and means for the year 1780.

The India company, however, in his Lordship's opinion, hold out something more certain, and of greater magnitude; a fixed revenue to be obtained will be a good security. Here the same objection holds to this resource as to that of the sinking fund. Supposing the terms fixed, and the act passed, and the revenue certain, can the money be remitted, or investments made time enough for the payment of the interest growing due in the year 1780? Impossible: but in my opinion the plan of a settled regular revenue is totally impracticable; and

and I dare say the noble Lord will be convinced of this melancholy truth, when he comes to negociate with the money-lenders; they will not trust to so precarious a security. The truth is, our territories in the East Indies are able to render certain advantages in commerce and military strength to this country, and no more. We tried the experiment once before, and were at last obliged to forego an ideal revenue of 400,000l. per annum, but not until the company became bankrupts, and were obliged to apply to this house for aid. The great military establishment kept up in that country has swallowed up all the land revenue; and all the real advantages we can ever expect to reap from it, is in the way of trade, and the increase of private property spent within the kingdom, and the power and the weight and preference it has given to us in that quarter of the globe, over Holland, France, Spain, and all the other European powers who possess any territories there. The company will be able to defend their own possessions, and annoy our enemies there, and of course will add to the aggregate strength and dignity of the British empire; but, I fear, if our East India possessions are to come under the patronage of the crown, and are to be governed as a military province, that they will follow the fate of our dominions in the West, and will finally be wrested from this country. I do not mean however to disapprove of, or controvert the controuling power and guardianship of this house. Let this house and the parliament be the medium of controul; but I hope I shall never behold it ingrafted or invested in the executive power of this country; waving, however, every more remote consideration, so far as a fixed revenue may be applicable to the immediate relief of this country, to enable us to raise the supplies with greater facility and upon better terms, I believe it is clearly demonstrable, that it can answer no such purpose for the ensuing year.

If then the American war is impracticable, I think I have proved that his Lordship's means are no less so, which clearly amounts to this, that the annuities payable on the loan of the next year, must be paid by additional burdens to be laid upon the people, and that the additional burdens thus to laid, falling probably short of the sums they will be taken for, as in the three preceding years, must be drawn from the sinking fund, which will be an anticipation of the greatest part of its produce. Whether national aids procured in such a manner and upon such terms, to carry on a war, impracticable and destructive in its nature, would be a wise measure, I leave to this house and the noble Lord to determine; but I had an additional reason for rising on the present occasion, equally strong with

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any of the foregoing, to shew the folly and madness of prosecuting the American war; and it is connected with what fell from my honourable friend who spoke before me.

My honourable friend says, that he has strong reason to believe that America would at present be willing to treat upon amicable terms with this country, if we desisted from farther hostility, as they began to see into the designs of France, and that Spain continues and is determined to preserve a neutrality. My honourable friend, with his usual ability and zeal, has followed this information, by earnestly pressing the noble Lord to make some proposition in Parliament, tending to a full reconciliation with the colonies; because, said he, if from any accident Spain should depart from her neutrality, and be drawn in as a principal in the war, America will refuse to treat upon any terms. To strengthen this argument, my honourable friend has stated the very formidable naval force of Spain, to shew that we should be over-matched by such an union of powers as France, Spain, and America. I differ in part from my honourable friend, both in his facts and conclusions. I have strong doubts that America would not treat, because the condition precedent, that they would not, has already actually taken place, for Spain is no longer a neutral or mediating power; all neutrality and mediation is over, and that within a few days. The treaty is determined very recently, within less than a week, perhaps five days. I agree with my honourable friend that Spain, as she is now actually leagued with France, will turn the scale against us; but I do not despond, could we get rid of the American war. We often contended with those powers, and vanquished them on our proper element, the ocean; and I trust still, if we are united, our councils wisely and vigorously conducted, and the spirit of the nation called forth, that we are able to resist their utmost efforts. If the confidence of the people was restored; if a dangerous court system was broken; if the influence of the crown was regulated and limited within its due and constitutional bounds, we should have no reason to despair; but the instant is critical; the moment must be seized; recall your troops from America; if she will not treat upon a political connection, as soon as she perceives the House of Bourbon leagued for our total destruction, she will desist from all enmity, and forget all former injuries; she will feel all the emotions of a child for the miseries of a harsh or misled parent; but even were she to observe a neutrality, I would not despair but we should prevail in the contest. She must at once perceive that it is no longer a struggle for her liberties, but a plan, concerted

concerted between our natural enemies, to erect schemes of ambition and endless destruction on the ruins of her once kind and indulgent parent.

I repeat once more, that all negociation is at an end, that Spain is openly leagued with France. The noble Lord knows it. I call upon him to contradict me; if he does not, I shall take it for granted.—If so, then I earnesly implore the noble Lord not to lose a moment's time, but instantly seize an occasion which the interval of a very few days may place for ever beyond his reach. The fate of the empire, the existence of this country depend upon celerity, vigour, and union in this very important concern.

I have but one word more to add; my honourable friend has stated the naval force of Spain, I believe, very correctly; for I have a list myself in my hand which confirms it. At present we are superior to France in the ocean and the West Indies, and I believe in the East. We are inferior only in the Mediterranean, where, most certainly, our two important fortresses are at the mercy of the House of Bourbon; and for this single reason, if for no other, that we cannot at present send a single officer or man there, unless we can be happy enough to smuggle him in a rum puncheon or brandy cask. But Spain, says my honourable friend, with forty or forty-eight ships of the line in Europe, will give to the House of Bourbon a decided majority—granted; and that, in its probable consequences, urges me to press the matter more seriously on the noble Lord in the blue ribbon; because, if the empire of the sea once leaves us, our distant dependencies must follow of course. It is true the East Indies is able to defend itself, so is the West; but no longer than we shall maintain the empire of the sea. If the House of Bourbon have a superiority in the European seas, that superiority will soon extend itself to the East and West Indies, because, having it in their power to cut off all supplies of men, ordnance, naval stores, &c. those places must necessarily submit in time, be their local strength ever so equal. Dispatch is therefore the only thing that can save us from impending ruin, and the intention of pressing it forcibly upon the noble Lord was the true cause of giving the committee so much trouble.

He concluded with a few words on the critical and dangerous state of Ireland.

June 1.

Lord *North* delivered the following message from the King:

GEORGE

GEORGE REX.

His Majesty relying on the experienced zeal and affection of his faithful commons, and considering, in this critical conjuncture, that emergencies may arise, and be attended by the most dangerous consequences, if proper means should not be immediately applied to prevent or defeat them, is desirous that this house will enable him to defray any extraordinary expences incurred, or to be incurred, on account of military services for the year 1779, and to take all such measures as the exigency of affairs may require. G. R.

His Lordship moved to refer the message to the committee of supply.

Report from the committee of yesterday, that 2071*l.* remaining in the exchequer, surplus of the sinking fund, be applied towards the supply.

That 207,063*l.* remaining in the exchequer, exclusive of the sinking fund, be applied towards the supply.

That the produce of the duties arising from gum seneca, before the 5th of April 1780, be applied towards the supply.

That 1,500,000*l.* be raised by loans, or exchequer bills.

That 1,900,000*l.* be raised by exchequer bills.

All agreed to.

The house then resolved itself into a committee on the American correspondence, F. Montague, Esq. in the chair.

Earl of *Harrington* called in and examined by General Burgoyne.

Q. In what capacity did your Lordship serve in America in the campaign 1777?

A. I was captain in the 29th regiment of foot, and went on the expedition with General Burgoyne, with the command of the grenadier company. I was afterwards appointed supernumerary aid-de-camp to the General.

Q. While acting as Captain of the grenadier company, was you at the action of Huberton? A. I was.

Q. What was the behaviour of the enemy on that day?

A. They behaved, in the beginning of the action, with a great deal of spirit; but, on the British troops rushing on them with their bayonets, they gave way in great confusion.

Q. From the nature of the country, was it practicable to pursue the enemy farther than they were pursued on that occasion?

A. Certainly not; I think we ran some risk even in pursuing them so far.

A. Had

Q. Had you reason to believe that the expedition to Bennington was much desired by General Reidesel, and that it was his wish to have it conducted by Lieutenant-Colonel Baum?

A. It was always imagined in the army that it was his wish, and that Colonel Baum was appointed to the command of it in compliment to him.

Q. Did you know the corps of British, commanded by Captain Fraser, which made part of that expedition?

A. They were volunteers from the British regiments, and also stood very high in the opinion of the army, from their gallant behaviour on all occasions.

Q. Do you remember General Burgoyne's visiting the detachment after it was assembled, and conferring with Colonel Baum?

A. I do.

Q. Did Colonel Baum appear satisfied with the strength of his corps?

A. I conversed with Colonel Baum, and with several officers under his command, and they appeared perfectly satisfied, at least I heard no complaints from them; the only anxiety they expressed was lest the destination of that corps should become known to the enemy.

Q. Does your Lordship remember General Burgoyne's receiving in the night a letter from Lieut. Col. Baum, expressing that he found the enemy in greater force than he expected?

A. I do.

Q. Do you remember Sir Francis Clarke, General Burgoyne's aid-de-camp, being sent with orders to Colonel Briemen to march immediately to support him?

A. I do.

Q. Did you communicate the same order to Gen. Reidesel at the same time?

A. I did.

Q. Was Colonel Briemen's the nearest corps for the purpose of that support?

A. It was.

Q. Did Brigadier-General Fraser at all times treat your Lordship with great confidence?

A. I was often with Gen. Fraser, and he frequently talked, without reserve, upon matters which he was not particularly bound to conceal: there were certain matters of intelligence which it would have been improper for him to mention to any body. In this case I cannot boast so much of his confidence as to suppose that he would have opened his mind to me,

on matters which he would have concealed from the rest of his friends.

Q. Have you not frequently been present when General Burgoyne and General Fraser discussed the object of the campaign, and conversed freely on the circumstances of the time?

A. I have.

Q. Did your Lordship ever, in presence or absence of General Burgoyne, hear General Fraser express a disapprobation of passing the Hudson's river?

A. I never did.

Q. Do you know or believe that the idea of forcing our way to Albany was prevalent through the army?

A. In every conversation I had, with different officers of the army, I never remember once to have heard it doubted but that we were to force our way.

Q. Did the army pass the Hudson's river with alacrity?

A. It is impossible for any army to have been in higher spirits than they were at that time, or more desirous of coming to an engagement with the enemy.

Q. Do you not conceive that to have remained posted behind the Hudson's river, at the time the army passed it and advanced, would have cast a damp on the spirits of that army and a reflection on their General?

A. From the eagerness of the army to advance, and the great uneasiness that was discernible through it on every delay, I apprehend that it could not have been otherwise, and I think that General Burgoyne's character would not have stood very high, either with the army, this country, or the enemy, had he halted at Fort Edward.

Q. Do you recollect the march up to the enemy on the 19th of September?

A. I do.

Q. Will you please to describe it?

A. The army marched in three divisions; the German line, flanking the artillery and baggage, pursued the course of the river through the meadows, and formed the left hand division. The British line marched parallel to it, at some distance, through the woods, and formed the centre division. Gen. Fraser's corps, with the grenadiers and light infantry of the Germans, were obliged to make a large *detour* through the woods, and formed the right hand division or column. Beyond this, on the right, there were, as I understand, flanking parties of light infantry and provincials.

Q. Was the country over which the army passed intersected with a deep ravine?

A. It

A. It was one of the deepest I ever saw.

Q. Which column was first attacked?

A. The advanced party, consisting of the picquets of the centre column, being sent forwards under the command of Major Forbes, to explore the way by which that column was to pass, fell in with a considerable body of the rebels posted in a house, and behind fences, which they attacked, and after a great deal of fire the detachment nearly drove in the body of rebels; but, on finding that the woods quite round them were filled with the enemy, they were obliged to retire to the main body.

Q. Was the march so performed that, when General Burgoyne formed the line of the British infantry, General Fraser's corps were ready upon their right to support them?

A. General Fraser, on hearing the fire of Major Forbes's party, detached two companies to support them, which came up just after that engagement was over; and, on their appearance, the enemy finding that our troops were in strength, quitted the post they had before occupied, and immediately after this the whole line was formed with the utmost regularity; I would explain that, when I speak of the line, I do not include the left hand column, which was composed of Germans, and which did not come into the line or into action till late in the day.

Q. How long did the action last?

A. From three o'clock, I think, till very near eight.

Q. How long were the 20th, 21st, and 62d regiments engaged?

A. During the greatest part of that time.

Q. Was the action well disputed by the enemy?

A. It was very obstinately.

Q. Was your Lordship near the person of General Burgoyne during that action, except when you were employed to carry orders?

A. Yes.

Q. Were not different attempts made by the General's orders to charge the enemy with bayonets, and did not those attempts fail by the heaviness of the enemy's fire and thickness of the woods?

A. There were many attempts made for that purpose, and they all failed, except the last, when the British troops finally drove them out of the field.

Q. When part of the German troops did get into action that day under General Reidesel, how did they behave?

A. I heard their behaviour spoke of in the highest terms; they marched up to the enemy with great coolness and steadiness, and gave them, as I was told, three vollies by word of command from their officers.

Q. Can your Lordship speak to the loss sustained by the three British regiments, the 62d in particular?

A. The loss was very considerable, but I do not recollect the numbers.

Q. Were those three British regiments in a condition to have attacked the enemy the next morning?

A. Their numbers were so reduced that I apprehend they were not.

Q. From the loss of killed and wounded, particularly of officers, would it have been desirable to have brought those three regiments into action for the next ten days?

A. In less than ten days the state of those regiments certainly would not have been much mended, and I therefore apprehend, that if they were not in a condition to be brought into action the next morning, their inability would have still continued for those ten days.

Q. Had the army made a movement to gain the left of the enemy's entrenchments, before the redoubts were constructed that commanded the plain near the river, would not all the batteaux, stores, and hospitals, have been exposed to attack?

A. It certainly would have been so.

Q. Do you recollect the scarcity of forage on the west side of the river?

A. I do perfectly.

Q. Would not the bridge of boats, constructed for the purpose of foraging to the east side, have also been exposed before the redoubts above mentioned were raised?

A. They certainly would, had it not been for those redoubts, and a work called the *tête du pont*, which was raised for the protection of the bridge.

Q. Do you recollect how long it took to raise those redoubts, to throw the bridge, and raise the *tête du pont*.

A. If I recollect right, the bridge itself was finished in one night; the making and completing the other works took some days.

Q. Does your Lordship remember Gen. Burgoyne mentioning to you, in confidence, the receipt of a letter from Sir Henry Clinton, and his hourly expectation of his attacking

the

the highlands, and his opinion that his success there must dislodge the enemy without attacking their entrenchments?

A. I perfectly recollect the General's mentioning all this to me.

Q. Was you near General Burgoyne in the action of the 7th of October.

A. I was.

Q. Do you recollect what orders you carried?

A. I do.

Q. What were they?

A. The first orders I recollect to have carried were, to post fifty men under the command of a captain of the 20th regiment to the left of the detachment of the army, in order, in some measure, to join them to the advanced works of General Fraser's camp, and in case of any accident to protect the detachment, should they find it necessary to retire thither. The next orders I carried were to Major General Phillips, at the end of the action, acquainting him that as that detachment seemed much disordered, from the enemy having turned both their flanks, that it was necessary to draw it as soon as possible back to the camp, which seemed menaced with an attack; the care of this General Burgoyne committed to General Phillips, while he himself returned to the camp in order to take proper measures for its defence. On our return thither, the works of the camp were actually attacked, as General Burgoyne had foreseen, and I was then employed to collect what troops I should meet, and to order them to those parts where they were most wanted. Soon after this the enemy having got round the right of our camp, we expected an attack upon our rear, and I then was dispatched with orders from General Burgoyne to Brigadier-General Hamilton, for all the works in the rear of the camp which had been previously constructed, to be manned with such soldiers as he could spare from the defence of the front.

Q. Does your Lordship know what orders Sir Francis Clarke was charged with at the time he received his wound?

A. I met Sir Francis Clarke, as I was searching for General Phillips, and acquainted him with my orders, telling him, at the same time, that, as the thickness of the wood might prevent my finding General Phillips directly, I wished he would assist me, in order that no time might be lost in delivering those orders; that was the last time I saw Sir Francis Clarke, and I believe that soon afterwards he received the wound of which he died.

Q. Was it dark before General Burgoyne had a certainty that Colonel Brieman was killed, and his post carried by the enemy?

A. It was so dark that the officer, who I believe first brought the intelligence of it, seeing a number of men round the fires of that camp, took them for Germans, and was not convinced of his error till he was fired upon by them, as they proved to be a part of the enemy who had forced the works.

Q. Did General Burgoyne use any efforts to rally the Germans who were returning from action, and to persuade them to recover Colonel Brieman's post.

A. He certainly did his utmost endeavours for that purpose, which, however, were ineffectual, from the darkness of the night and the entire confusion in which they were.

Q. Were any other troops at hand that could have been spared for that purpose?

A. There certainly were not; every regiment was occupied in defence of its own lines, which were not certainly over manned.

Q. In the heat of the action, do you recollect seeing General Reidesel about the time that the Germans on the left of the British artillery were giving way?

A. I do.

Q. Was not General Reidesel exerting himself to restore order in his troops.

A. General Reidesel appeared to me to have behaved on that occasion in every way as became a brave and intelligent officer.

Q. Was the retreat of the army in the night of the 7th made in good order, and a new position taken by the time it was day light?

A. It certainly was.

Q. Was the army under arms the whole day of the 8th, and in continual expectation of action?

A. They were, and indeed were cannonaded during the greatest part of that day, and the advanced corps in particular, who were posted on a hill, were under almost a continual fire from the rifle-men of the enemy.

Q. Do you recollect the circumstance of General Fraser's funeral on the afternoon of that day?

A. I do, perfectly well; the redoubt in which he was buried was very heavily cannonaded during the ceremony, and, even previous to this, they fired at those who attended the corpse

corpse on its way thither, which I suppose was accidental, and proceeded from the enemy seeing a number of people together.

Q. Who were the chief persons who attended the funeral?

A. All the generals of the army, their aid-de-camps, and I believe all those who were not attached to any particular post, which at that time were very few.

Q. Was the retreat of the army, on the night of the 8th, and on the day and part of the night of the 9th, made in good order?

A. It was made in perfect good order.

Q. What was the weather on the day of the 9th?

A. Exceeding wet.

Q. What was the state of the troops, in point of fatigue, when they arrived at Saratoga?

A. They certainly must have been much fatigued, from the length of time they had been under arms, and more particularly so from the badness of the roads, occasioned by the rains.

Q. When it was day-light the next morning, did you see any part of the enemy upon the plain at Saratoga, on the ground where our artillery was afterwards posted?

A. I do not recollect.

Q. Does your Lordship recollect seeing a corps of the enemy, on the other side of Hudson's River, opposite to Saratoga?

A. Perfectly well, and they seemed in force.

Q. Do you remember the circumstances of a battery opening from that corps?

A. I do perfectly well: the General [General Phillips] and several other gentlemen were at dinner; we were all obliged to remove, from finding ourselves in the range of that battery.

Q. We being in the range of that battery, must it not necessarily have commanded the ford on the Hudson's River?

A. It certainly did command that ford?

Q. Do you recollect Lieutenant Colonel Sutherland being sent with the detachment of regulars and provincials from Saratoga, to cover a party of workmen employed to repair bridges and render the road practicable?

A. I perfectly recollect it.

Q. Do you recollect for what reason Colonel Sutherland and the regulars were recalled?

A. I understood it was on the apprehension of an action.

Q. Does your Lordship recollect different scouts bringing reports of the enemy being in possession of the country between Saratoga and Fort Edward, on both sides the river?

A. I do.

Q. Do you remember General Burgoyne mentioning in confidence to you, different ideas of forcing the ford over Hudson's River, of cutting a way by the enemy's right, and attempting a rapid march to Albany; or by a night march to gain the fords above Fort Edward?

A. I do perfectly remember that he mentioned to me all those ideas.

Q. Did you ever hear of an offer made by General Phillips to make his way to Ticonderoga with a body of troops?

A. No.

Q. In the intimacy in which you lived with Major General Phillips, myself, and the officers in General Phillips's family, do you not think you should have heard of such an offer, had it been made?

A. I apprehend that I should have heard of it.

Q. Did your Lordship hear of General Phillips offering to attempt an escape through the woods with one or two guides, for the purpose of putting himself at the head of the troops of Ticonderoga, for the future defence of the place?

A. I heard it mentioned since I came to England, in some common conversation, but I never heard it hinted at while I was in America.

Q. The day before the council of the generals and field-officers was called, can you speak of the state of things in general at Saratoga?

A. The state of our army was certainly as bad as possible. Their numbers were few, their provisions short, and their position not a good one, owing to the nature of the country, which rose to the distance of some miles, one hill over-topping that which was next to it.

Q. Do you know any officer of that army who, in that situation, thought we had a right to more than honourable terms?

A. Our situation, in the apprehension of every one there with whom I conversed, did not intitle us to more.

Q. Did the army in general look on the terms obtained, namely the power of serving their country in other places, to be as advantageous as well as honourable, and more than they had a right to expect?

A. I believe they certainly did, and that few people in the army expected so good terms as those which were granted.

Exami-

Examined by other members of the committee, and by General Burgoyne occasionally.

Q. Did the Indians leave the army till after the battle of Bennington?

A. Great numbers did, and at many different times.

Q. Were not some Indians on the expedition to Bennington?

A. There were.

Q. Was the expedition originally sent out to Bennington?

A. My situation in the army not entitling me to be in the council of war, and not being employed in that expedition, I was of course not entrusted with the orders that were given to Colonel Baum.

Q. Have you reason to suppose that General Reidesel or Colonel Baum had a particular knowledge of that part of the country, so as to make it proper to give Colonel Baum the command of that expedition?

A. I believe there was no officer in that army of sufficent rank to have commanded such an expedition, who ever had been in that particular part of the country.

Q. The intention of the expedition being, as appears by the papers on the table, to sound the disposition of the people of that country, was that part of the country peopled with Germans, as many other parts of the country are?

A. I can't exactly speak to the description of the people of that country, as I was never there myself; but there were employed on that expedition numbers of provincials, many of whom were of that very country; and I apprehend that the common soldiers of a regular army are not the immediate people who are expected to sound the minds of any country to which they are sent.

Q. As your Lordship mentioned the alacrity with which the army passed the Hudson's River, did the army in general think themselves at that time inadequate to the purpose of forcing their way to Albany?

A. The opinions of an army, who cannot be acquainted with the intelligence that has been received, are often erroneous. The army was in high spirits, and did not, I believe, doubt of reaching Albany.

Q. Did the General then doubt of reaching Albany?

A. I really don't know.

Q. Were the rebels entrenchments completed on the 19th of September?

A. I never saw the entrenchments atall.

Q. How

Q. How was our army employed between the 19th of September and the 7th of October?

A. The army itself was employed in strengthening its position.

Q. Did it take the army 18 days to strengthen its position before it made any movement?

A. I can't exactly say. They were working all the time.

Q. What works were executed in that time?

A. There were numbers of redoubts erected, the *tetê du pont*, lines before the camp, out-works to the lines, in which guards and picquets were placed, and batteries.

Q. How many redoubts were erected?

A. I think in all there must have been five or six.

Q. Was the erecting those works full employment for 18 days?

A. I am not an engineer, or I certainly should endeavour to answer that question.

Q. Were all those works necessary, in your opinion, for an army that meant to march forward and attack the enemy?

A. They were necessary, in our particular situation, being within half a mile of the enemy to whom we were opposed, and being inferior in numbers.

Q. Does your Lordship know whether the enemy thought it necessary to fortify themselves with redoubts?

A. I don't know what the species of their fortifications was, but I have been always told that great labour had been employed in their works, and what small part I saw of them convinced me of it.

Q. Had you not information from deserters or friends what the enemy was doing?

A. My situation in that army did not entitle me to receive that intelligence: when any person came to me to inform me that he had been employed in gaining such intelligence, my duty was to bring him to the General.

Q. Was it not a matter of notoriety in the army, that the enemy received reinforcements between the 19th of September and the 7th of October?

A. The manner of receiving intelligence in an army seldom transpires; the army might guess, but I believe they knew nothing.

Q. Was it not understood that the rebels had suffered a much greater loss than the King's troops, on the 19th of September?

A. It was.

Q. Was

Q. Was not the whole, or nearly the whole, of the rebel army engaged?

A. I don't know. I apprehend the whole was not engaged.

Q. Was our army in general, in your apprehension, in as good a condition on the 20th of September as the rebel army, who had suffered much more?

A. The rebel army was so numerous that their loss was not equally felt with ours.

Q. What number had you reason to suppose the rebel army consisted of on the 19th of September?

A. I always understood they were very numerous; I never heard their number exactly.

Q. Was not the scarcity of forage foreseen by every body?

A. Those with whom I conversed did not foresee it to the extent in which we experienced it.

Q. Was it prudent, in your Lordship's opinion, to bring or attempt to bring upwards of 1400 horses to attend the army in a country so destitute of forage?

A. I never heard that the horses in our army were thought too numerous; on all occasions a scarcity of them was complained of.

Q. Do you know how many horses were allowed for the baggage of each regiment?

A. I don't know.

Q. Does your Lordship know how many horses were employed about the train of artillery?

A. I don't recollect; but the returns are on the table.

Q. Was the heavy artillery brought back from Still-Water on the retreat of the army to Saratoga?

A. We had lost some small part of it, and the rest was brought back to Saratoga.

Q. Did the bringing back of that artillery delay that retreat or not?

A. An army with cannon certainly cannot march so rapidly as one without cannon; but cannon always creates a delay which armies have been content to put up with.

Q. Was it necessary, in your opinion, in the situation in which the army retreated, to make their retreat as expeditiously as possible?

A. The army appeared to me that it did make its retreat as expeditiously as possible.

Q. Would the leaving of heavy artillery behind, in your opinion, have made a difference of four miles in the march?

A. I can't

A. I can't conceive that it would; the enemy were in force behind us; not having numbers to contend with them, it would have been a very desperate circumstance to have abandoned our cannon in case of an attack.

Q. Were the heavy artillery, in effect, of any use in that retreat?

A. I don't recollect, as it happened, that they were of any other use than that of their not being turned against us?

Q. Might not those cannon have been spiked, and their trunnions have been knocked off, to have rendered them useless?

A. I understand that the spikes in cannon are easily removed; and that it is not an easy matter, I believe almost an impossibility, with any tools that are carried in an army, to knock off the trunnions of brass cannon.

Q. Might not the retreat have been accelerated by leaving behind a great part of the baggage?

A. I don't think it would: I do not remember that we were stopped on account of any particular impediment.

Q. Does your Lordship know at what time intelligence was received in General Burgoyne's army of the failure of Colonel St. Leger's expedition?

A. I think it must have been in the month of August.

Q. Was not that before the passing of Hudson's River?

A. I don't recollect the exact date of receiving that intelligence.

Q. Was it in the month of August?

A. I can't tell—I heard of it some time after by accident.

Q. Was there any heavy artillery with the army, properly so called?

A. There was none of the heavy sort—We had medium twelve-pounders, and two twenty four-pounders, which we took from the enemy at Quebec, which were very much lighter than those twelve-pounders.

Q. From the state of the fatigue of the troops when they arrived at Saratoga, do you apprehend they could have continued their march though there had been no artillery?

A. The army was certainly very much fatigued: I believe they could have got but very little farther; they certainly were not in a state for a long march.

Q. If the battle expected at Saratoga had been on the plain, would not the heaviest artillery we had have been one of our best dependencies?

A. It certainly would; it would have given us a manifest superiority in that particular.

Q. If

Q. If the army had not been provided with the number of horses they had, by what means would their provisions or batteaux have been transported, in places where the river was not navigable?

A. The transport of the batteaux and provisions could not certainly have been carried on.

Q. Were there not such places on the Hudson's River between Fort Edward and Albany?

A. There were.

Q. Is it not, at any rate, a principal object with every army, and of a retreating one in particular, to preserve their artillery if it be possible, even at the expence of some labour and delay, and for the use they might be of to them afterwards, as well as on the retreat?

A. I apprehend the cannon are seldom abandoned but through absolute necessity.

Q. Whether, in general, you can inform the committee, whether the army had a confidence in the General?

A. They certainly had a confidence in the General, and I do not believe that they have altered their opinion.

Q. Did the army then in general, and the officers in particular, entertain a favourable opinion of the General's conduct, capacity and attachment to them in the various scenes in which he was engaged, and more particularly on very trying occasions?

A. I don't recollect that any officer with whom I have had conversation, has ever expressed himself in different terms, and I believe there never was an army more deservedly pleased with the conduct of their General.

Q. Whether the army expressed any dissatisfaction at the General's return home: that is, whether they thought he came with any purposes not friendly to them, or looked on themselves as deserted by him?

A. I was not with the army when General Burgoyne came away, but I have conversed with many officers who have come from it, and they express no dissatisfaction on that head, much less looked on or considered General Burgoyne's intentions as inimical to them.

Q. What was the state of the American artillery, and how was it served?

A. Except on a few occasions, I do not remember their having made much use of their cannon: I thought on those occasions that they served them slowly, but not ill.

Q. Whether, all circumstances considered, at the time of the

the affair at Saratoga, the retreat of the army was practicable either with or without artillery?

A. I thought it was impracticable.

Q. Whether, after the convention at Saratoga, you went to Albany?

A. Yes.

Q. Whether you had any opportunity of observing the nature of the country, if it was strong or woody, clear or open?

A. Very strong and woody, and a great number of hills.

Q. What was the distance?

A. I don't exactly recollect: about thirty-two miles.

Q. Was the situation of Albany a strong situation, or was it commanded by hills round it?

A. The situation of Albany was in a bottom, very much commanded.

Q. If the army had penetrated to Albany, from whence might they have drawn their subsistence, if the country had been against them?

A. I don't know enough of the country to answer that question.

Q. Must they not have drawn their subsistence from New York?

A. I apprehend so, if they were not masters of the Mohawk country.

Q. Had you any opportunity of observing the extent of clear or uncultivated country round Albany?

A. I can't very justly describe it, not having gone out of the town of Albany from the time I came into it till I embarked for New York.

Q. Do you think that, circumstanced as the army was after the engagement on the 19th of September, it would have been more advantageous to have returned than to have staid and fortified the camp?

A. As matters have turned out, it certainly might, but I believe no one thought so at that time. [*Withdrew.*

Major *Forbes* called in and examined by General Burgoyne.

Q. Was you major of the 9th regiment, and present with that regiment in the action near Fort Anne?

A. I was.

Q. What was the behaviour of the enemy on that occasion?

A. At half past ten in the morning they attacked us in front with a heavy and well directed fire: a large body of them

them passed the creek on the left, fired from a thick wood across the creek on the left flank of the regiment. They then began to recross the creek and attack us in the rear. We then found it necessary to change our ground to prevent the regiment being surrounded. We took post on the top of a high hill to our right: as soon as we had taken post, the enemy made a very vigorous attack, which continued for upwards of two hours, and they certainly would have forced us, had it not been for some Indians that arrived and gave the Indian whoop, which we answered with three cheers. The rebels soon after that gave way.

Q. What command had you on the 19th of September?

A. I commanded the picquets of the British.

Q. Was you attacked on the march, and with what degree of vigour?

A. I was attacked with great vigour from behind railed fences and a house by a body of rifle-men and light infantry.

Q. Was you wounded in that affair?

A. Very early in the day.

Q. Do you remember General Burgoyne bringing up the British line to support you, and forming at the first opening of the wood?

A. I do.

Q. Did General Fraser's corps arrive precisely in time to occupy the heights on the right of the British line when the action began?

A. It did, and two companies of light infantry came to my support.

Q. Where did General Burgoyne post the ninth regiment?

A. As soon as they came out of the wood they filed off to the right, and were drawn off at a small distance from the left of General Fraser's corps, with orders to occupy two houses, one company in each, and defend them to the last extremity.

Q. Had you an opportunity in that situation to observe the stress of the action?

A. I had while we remained in that position.

Q. What was the progress of it?

A. The 21st and 62d regiments were drawn up in our left, and were attacked about three o'clock on the same ground where the picquets had been attacked. About that time

time I heard a great deal of firing to my right with the advanced corps. An officer came up to General Burgoyne and acquainted him that the enemy were endeavouring to turn the left of the 62d regiment, on which he dispatched an aide-de-camp with orders to the 20th regiment to form on the left of the 62d. Immediately after some companies of the light infantry came to occupy the ground the 9th were drawn up on. The 9th were then ordered behind a deep ravine to form a corps de reserve. I saw nothing of the action after that.

Q. What was the strength of the 9th regiment on that day before they sustained any loss?

A. On the 15th of the month the weekly return was given in, and to the best of my recollection they were 250 and odd rank and file fit for duty.

Q. What was the strength of the other regiments in the British line?

A. I can't speak with any certainty, as I did not see the returns; but on talking with different commanding officers, the four British regiments were about 1100, and the advanced corps about 1200.

Q. Where was the 24th regiment?

A. With the advanced corps.

Q. Where was the 47th regiment?

A. Six companies of the 47th regiment that were with that army were employed as a guard to the batteaux and provisions, and two with the advanced corps.

Q. Where were the other two companies of that regiment left?

A. One at Fort George and another at an island in Lake George.

Q. Of the 1100 which composed the line on that day, do you know how many were lost and disabled in the action?

A. I have heard the surgeon of the hospital say, that there were more than 500 of the whole in the hospital, but I can't speak to how many of the line.

Q. Can you say how many were killed?

A. I can't.

Q. Can you say how many officers were killed and wounded?

A. I can't immediately.

Q. Were the British troops in a condition to have attacked an enemy in entrenchments after the action?

A. Ayes

A. After the action of the 19th I went to the hospital to get my wounds dressed, and did not join the regiment till the 8th of October: I cannot therefore give an opinion of my own; but I have heard several officers say, they did not think it would have been prudent or right, from the loss they had sustained the day before.

Q. Did the regiments begin to be increased in their strength from the recovered men to any considerable degree in less than eight or ten days?

A. Not that I know of; I was at the hospital at the time.

Q. Being in the hospital, had you occasion to know that the regiments were stronger from the receipt of their recovered men on the 7th of October, than they were at any time between the 19th of September and that day?

A. I know that several men were discharged from the hospital so far recovered as to enable them to do their duty.

Q. At what time did the troops arrive at Saratoga?

A. About eight o'clock at night on the 9th.

Q. Do you know how long the troops had then been under arms, and without repose or regular refreshment?

A. From the 7th in the morning.

Q. Had they been in action, or in continual expectation of action during that whole time?

A. I was in the front of the army, and I heard a great deal of firing in the rear, and we constantly expected and looked for an attack.

Q. Did the battery of the enemy, on the other side of the river at Saratoga, command the ford on that river?

A. It did.

Q. Was the ground such on our side as would have enabled our artillery to have silenced that battery?

A. It did not appear to me that it could.

Q. Had the passage of the ford been effected, and the army have proceeded towards Fort Edward on the east side of the river, must they not necessarily have passed Batten Kill?

A. Undoubtedly.

Q. Do you remember the ford at Batten Kill?

A. Yes.

Q. Would it have been possible for the army to have passed that ford without artillery to cover them, and the enemy posted on the other side?

A. Certainly not. I had an opportunity of seeing the 20th regiment pass that ford without an enemy to oppose them, and they took a considerable time, owing to the depth of the water, the rapidity of the current, and the stones be-

ing remarkably slippery, so that several of them fell in the river.

Q. Was you present at all the councils of war to which the field officers of the army were called at Saratoga?

A. I was.

Q. Do you remember whether General Burgoyne stated the difficulties of the time, and that he mentioned his readiness to undertake any measure they should think for the honour of the British arms?

A. I do remember it.

Q. Was the council unanimous to treat with the enemy on moderate terms?

A. They were.

Q. When the first terms proposed by General Gates were read to them, were they unanimous to reject them?

A. They were.

Q. After it was decided by a majority of the council that the treaty could not be suspended without breach of faith, were not the council then unanimous to sign it on that day?

A. As the majority of the council had given it as their opinion that the public faith was pledged, the council thought that there was no time to be lost, and that it ought to be signed immediately.

Examined by other members of the committee, and by General Burgoyne occasionally.

Q. Do you know or apprehend that the rebels' camp was completely entrenched on the 19th of September?

A. I don't know.

Q. Had you any reason to believe, from information, that they completed their entrenchments afterwards?

A. I understood they had; I don't speak from authority.

Q. Had you reason to think that the rebels received considerable reinforcements between the 19th of September and the 7th of October?

A. I did not hear that they had.

Q. Supposing the rebels to have received reinforcements, could any accession of strength to our army, from the recovery of any number you can suppose of 500 that were in the hospital, be equal to a reinforcement of even 500 men received by the enemy?

A. I cannot take upon me to say.

Q. From being in the hospital yourself, how many of the 500 do you judge joined the army?

A. I can't pretend to say.

Q. Do

Q. Do you judge, in your own opinion, putting all the circumstances you can together, whether the enemy were more likely to be forced on the 20th of September, or a day or two after that on the 7th of October?

A. It is impossible for me to judge: I did not know the strength on the 19th of September, or what reinforcements they received before the 7th of October.

Q. Did you apprehend the army might have made their retreat good to Canada immediately after the action of the 19th of September?

A. That depended entirely on circumstances.

Q. Judging from the circumstances you then knew, what is your opinion?

A. I was not more acquainted with the circumstances of the 19th of September than with those of the 7th of October.

Q. If the army had had three weeks more provisions when they begun their retreat, would not that have been a material circumstance to them towards making good their retreat?

A. The army could have defended themselves longer in their entrenchments at Saratoga if they had had more provisions.

Q. Had you known, immediately after the action of the 19th of September, that a letter had been received from Sir H. Clinton, mentioning his intention to attack the highlands about that time, would you have thought either a retreat or an immediate attack adviseable?

A. Certainly not.

Q. Do you know whether a council of war was called on the 20th of September, or immediately after the engagement of the 19th of September?

A. I don't know that there was.

Q. Did the army in which you served, in its approach to Albany, expect a co-operation from Sir William Howe on the North River?

A. We did.

Q. Do you believe, if the army under Sir William Howe, instead of going by sea up the Chesapeak to Philadelphia, had operated upon the North River to effect a junction with General Burgoyne's army, considering also the panic that prevailed after the taking of Ticonderoga, that the army under General Burgoyne would have been made prisoners?

A. I should think not.

Q. Did you expect any great opposition from the rebel army after taking Ticonderoga?

A. I did not.

Q. Upon what grounds did you so positively expect a co-operation with Sir William Howe's army?

A. From General Burgoyne's orders.

Q. Did you ever see General Burgoyne's orders?

A. Every day during the campaign.

Q. By what orders of General Burgoyne did you expect a co-operation?

A. Early in October General Burgoyne gave it out in orders, that there were powerful armies of the King's then co-operating with ours.

Q. Did not those orders give spirits to Gen. Burgoyne's army?

A. Situated as our army was, every prospect of reinforcement must certainly give us spirits.

Q. Did you ever hear of any co-operation before those orders of General Burgoyne's in October?

A. It was generally talked of in the army; but not by authority.

Q. Whether, if the operations of Sir Henry Clinton on the North River had taken place in time, it would not have been looked on as a very advantageous co-operation with General Burgoyne's army?

A. It might have been attended with very good consequences.

Q. What situation in general, and particularly with regard to provisions, was General Burgoyne's army in, at the time when you mentioned those encouraging hopes of co-operations in his orders?

A. The army was put on short allowance at that time.

Q. Whether in military affairs a powerful diversion, if well conducted, is not known often to answer very effectually the purposes of co-operation?

A. Certainly very good effects have accrued from powerful diversions.

Q. If there had been a council of war on the 20th of September, or immediately after the engagement of the 19th, should you have known of it?

A. I think I must have heard of it.

Q. Whether considering the circumstances of Sir William Howe's having carried his army to Chesapeak Bay, you supposed, or ever heard it supposed, that Sir Henry Clinton would have attempted his operations up the North River, sooner than he did, or previous to the arrival of his reinforcement from Europe?

A. Not knowing Sir Henry Clinton's strength or his orders,

ders, nor the force the enemy had to oppose him, it is impossible for me to answer that question.

Q. What effect had it on the spirits of Gen. Burgoyne's army when they found there was to be no co-operation between that army and the army of Sir William Howe?

A. We never knew but there was to be a co-operation.

[*Withdrew.*

Captain *Bloomfield* of the artillery called in, and examined by General Burgoyne.

Q. In what capacity did you serve in the campaign in America in 1776 and 1777?

A. I was major of brigade of the royal artillery.

Q. Was you employed by Gen. Phillips on your return to England, after the campaign of 1776, to solicit a further supply of artillery for the service of the ensuing campaign?

A. On my leaving General Phillips at St. John's, in the month of November 1776, I was charged with a letter to Sir Guy Carleton, wherein he recommended it, to make a demand of a farther supply of artillery and stores for the complete equipment of an additional number of gun-boats for the service of Lake Champlain, in the ensuing campaign, and likewise for the boats themselves, to be sent out in framework. Sir Guy Carleton, on perusing the letter, disapproved of the boats being sent out, but approved of the demand of the stores and artillery, agreeable to General Phillips's request, and they were accordingly sent out in the beginning of the year 1777.

Q. At what time did you join the army in the campaign of 1777?

A. I joined the army at Ticonderoga on the 23d of July.

Q. Did you live in the family of Gen. Phillips, and had you occasion to know his sentiments respecting the artillery department?

A. I did chiefly live with the general, and had frequent occasion to know his sentiments on the subject of the artillery in the course of my duty as brigade major.

Q. Did you know, or had you reason to believe, that the proportion of artillery employed that campaign was according to the opinion and recommendation of Gen. Phillips?

A. I can have no doubt but that an officer of General Phillips's rank and extensive experience must have determined that point.

Q. What was the distribution of the artillery after the enemy evacuated Ticonderoga?

A. The light brigade of artillery proceeded with the army

by the way of Skenesborough, the park brigade and stores, were conveyed across Lake George in batteaux.

Q. Was not a considerable portion of artillery of the heaviest kind either left at St. John's, sent back from Ticonderoga, or disposed of in vessels?

A. It was: there were left at Ticonderoga, 6 heavy twelve-pounders, 1 light twelve-pounder, 4 light three-pounders, 4 royal mortars and 12 cohorns; left on board the Royal George, 2 heavy twenty-four-pounders, 2 thirteen-inch mortars, 2 ten-inch mortars, 4 eight-inch mortars, 4 royal mortars and eight cohorns; sent back to St. John's in the Radau, 14 heavy twenty-four-pounders, 2 eight-inch howitzers; left at Fort George 4 medium twelve-pounders, 2 light six-pounders, 2 eight-inch howitzers, 2 royal howitzers; with Col. St. Leger's expedition to Fort Stanwix were sent 2 light six-pounders, 2 light three-pounders, 4 cohorns; left at St. John's 4 light six-pounders, 5 light three-pounders, 4 cohorn mortars. That was the distribution of artillery that remained after the army had quitted Fort George. The quantity of artillery brought forward with the army were, 4 medium twelve-pounders, 2 light twenty-four-pounders, 18 light six-pounders, 6 light three-pounders, 2 eighteen-inch howitzers, 4 royal howitzers, 2 eight-inch mortars, 4 royal mortars.

Q. Was not that park artillery, though consisting of some twenty-four-pounders, and some twelve-pounders, properly field artillery?

A. They certainly are, and have ever been considered as such on all field services: heavy artillery is of a distinct nature, and considerably heavier than guns of the same calibre which we had in the army.

Q. Have you ever known a less proportion than the brigaded artillery which was attached to the line and to the advanced corps allotted to the same number of troops?

A. The proportion of field artillery certainly should vary both in quantity and nature, according to the variety of circumstances under which the army is to act. The usual allotment of light field pieces are two to each battalion; and, from a calculation of the number and strength of Gen. Burgoyne's army, I do not conceive that our light field artillery exceeded that proportion.

Q. What do you apprehend was the proposed use of artillery in the country in which we were to act?

A. To dislodge the enemy from such posts as every where present themselves in that part of the country, and from which it

it may be impossible to dislodge them, without artillery of a more considerable calibre than light six-pounders.

Q. Do you remember the position which the enemy evacuated at Schuyler's Island?

A. I do perfectly.

Q. Had that position been maintained, would not artillery of the heaviest nature we had have been particularly serviceable?

A. Provided the post could not be turned, and the enemy had made use of every advantage which the ground gave them, I have no doubt but that the park artillery would have been absolutely necessary.

Q. Had the passage of the Hudson's River or of Batten Kill been disputed, would artillery of that nature have been serviceable?

A. Doubtless it would.

Q. Had the enemy taken a position at the forks of the Mohawk River, would artillery of that nature have been serviceable?

A. From the imperfect manner in which I saw that ground, it appeared capable of being made extremely defensible, and of course that sort of artillery would have been serviceable.

Q. Had the army reached Albany, and it had been found expedient to fortify a camp there for the winter, would artillery of that nature have been necessary?

A. There can be no doubt of it.

Q. What do you apprehend to be the chief use of howitzers and small mortars in the field?

A. I apprehend they are of infinite service against all kinds of log-work abaties and against entrenchments. The small mortars are particularly useful against redoubts and other works where the enemy are confined within a small space.

Q. Are not log-works a species of fortification peculiar to that country?

A. I never saw any elsewhere.

Q. Was the carrying forward the artillery from Lake George to the place where the army crossed the Hudson's River, any impediments to the transport of provisions?

A. The transport of our artillery and stores were constantly made by horses attached to our department, and therefore I do not conceive it did in any manner interfere with the transport of provisions. I mean to confine myself in this answer to the transport from Fort George to the Hudson's River; for, after crossing the river we had some oxen and horses attached to

the service of the artillery, which I believe were before employed in bringing forward provisions and batteaux.

Q. What time did it take to bring forward the park artillery from Fort George to the bridge of boats over the Hudson's River?

A. The light brigade and the artillery of the park had their proper proportion of stores and ammunition, and their horses, carriages, and drivers constantly attached to them, it therefore required no more time to carry those stores than was necessary for the carriages themselves to pass from Fort George to the Hudson's River; but, with respect to the reserve which was afterwards transported by water in batteaux, I believe two days, with all our carriages, would easily have conveyed them to the Hudson's River.

Q. Do you remember the position of the King's troops, from the time of the attack on the 19th of September to the attack on the 7th of October?

A. Yes.

Q. Had the army made a movement to gain the left of the enemy's entrenchments without previously constructing redoubts on the heights that commanded the plain, would not the batteaux, provisions and hospital, have been left open to an attack from the enemy's right?

A. They would have been left exposed undoubtedly.

Q. Were not the largest guns we had the properest pieces of artillery for those redoubts?

A. I think it was a service that was exactly adapted to them.

Q. Do you remember the disposition made by General Burgoyne on the 7th of October?

A. I do.

Q. At what time was you wounded in that attack?

A. I believe in about twenty minutes after it commenced.

Q. What circumstances of the action did you observe before you was wounded, particularly respecting the artillery and the enemy's advancing under the fire of the artillery, and what happened to the troops posted immediately on the left of the artillery?

A. The ground on which the artillery was posted, was a cleared spot, in a great measure surrounded by woods, the skirts of which, on our left, was distant about two hundred yards where the attack first began. The two medium twelve-pounders were posted on a small eminence nearly in the centre of this cleared spot, and between the German picquets and a detachment

detachment of the Hesse Hanau regiment. On the enemy's column approaching, the fire of the twelve-pounders and the four sixes was immediately directed forwards to the enemy's column, notwithstanding which, they drew up along the skirts of the wood behind trees, and after driving in the Germans, kept up a pretty warm fire of musquetry on the guns and the troops posted about them: soon after this I heard a firing on the right towards a cleared spot, separated from us by a wood, on which the light infantry were posted on very commanding ground: on their retreating, as also the 24th regiment who were drawn up in the wood on our right, the enemy made their appearance on an eminence on our right, and cut off the retreat of the artillery. At this moment I received my wound, and therefore can give no further account of the circumstances of that day's action.

Examined by other members of the committee.

Q. What was the number of horses in general employed for the artillery after the march from Ticonderoga?

A. The whole number of horses detached with the British artillery, previous to the passing the Hudson's River, was about four hundred,

Q. How many would have been necessary for the field pieces attached to the battalions only?

A. Eighteen six-pounders at four horses each, 6 three-pounders at three horses each, and two royal howitzers at three horses each: the remainder were for park artillery, ammunition, and stores of all kinds to accommodate the army on its march.

Q. Was the forage for these horses procured in the country on their march, or brought from a distance?

A. A quantity of oats was brought forward from Canada; but with respect to other forage, they were under the necessity of collecting it in the neighbourhood of the encampment.

Q. How many waggons might the bringing on that quantity of oats employ?

A. I believe the quantity of oats, after passing Fort Edward, was so trifling, that I do not believe it loaded one waggon.

Q. After the army arrived at Fort Edward, did any delay or not arise to its forward progress from bringing on the park artillery, waiting for horses and drivers for that purpose, or to provide forage?

A. The park artillery remained at Fort Edward no longer than was necessary, during the time the army remained in

that

that neighbourhood, I do not know of any delay whatever from the want of horses and drivers. Had the park of artillery moved forwards sooner, no end could have been answered by it before the bridge was thrown over the Hudson's river.

Q. Were there any gun-boats sent out to Quebec for the campaign of 1776?

A. There were.

Q. Were there a sufficient number sent out in your opinion?

A. It appeared that the naval force was superior to that of the rebels from the event of that engagement, and therefore I conclude that, for the uses of that campaign, there were a sufficient number.

Q. Did you apprehend, before the event of the action on the lakes, that the number was sufficient, and went out in time?

A. We had received very exaggerated accounts of the rebel force on the lakes, and therefore uncommon exertions were used to render our force as formidable as possible, and probably some time was lost, and the campaign in some degree retarded from that circumstance.

Q. Would the campaign have been retarded so long, if a greater number of gun-boats had been sent out?

A. Certainly not.

Q. What number of artificers were sent to Canada for the campaign 1776?

A. I do not immediately recollect the exact number, but I think Colonel Christie engaged about two hundred: I know of no others being sent out.

Q. Do you know of more being asked for, by the artillery or engineers, as necessary for the campaign?

A. I did hear of some such intention, but, at this distance of time, I cannot particularly answer that question.

Q. Whether the number of artificers sent out for that campaign were in any degree sufficient for the purpose of carrying it on?

A. Certainly not. We were under the necessity of collecting all the artificers that could be met with in Canada, for the armament of St. John's only; most of the batteaux being built by private contract.

Q. Were not the operations of that campaign considerably retarded, for want of the number of artificers that were asked for and not granted?

A. Had

A. Had the number of artificers been greater, there can be no doubt but the work would have gone on much faster; with respect to the artificers being demanded, I have already said I do not recollect the number.

Q. Were there not horses necessary for conveying the stores and ammunition necessary for the field train, and how many?

A. The best answer to that question will, I apprehend, be a state of the number of horses actually attached to the several brigades of artillery, since the allotment of stores and ammunition, were exactly proportioned to the number of pieces which they accompanied.

[*Answer interrupted going into the detail.*

(The brigade attached to the advanced corps of light artillery consisted of eighty-five.)

Q. How many horses might have been spared if the heavy park artillery had not attended the army?

A. It would have made a difference of 237 horses.

Q. Was the army furnished with carts to have employed those 237 horses?

A. I really cannot answer that question of my own knowledge. [*Withdrew.*

June 2.

The House in committee of supply on the King's message.

Lord *North*, without any preface, moved the following resolution: "That it is the opinion of this committee that a sum, not exceeding one million, be granted to his Majesty, to defray any extraordinary expences he may find it necessary to incur for the service of the year 1779; and to enable him to take such measures as he shall think for the benefit of the state; the said sum of one million to be provided for out of the first aids the ensuing year."

Right Hon. *T. Townshend* said, he wished to learn what was the present object of the war with America? How it was to be carried on? The force now in America, he presumed, could not in reason be adequate to the conquest of that country, when a much larger had failed in the attempt. The 5000 men we had sent to the West Indies, had greatly weakened Sir Henry Clinton, for they were the flower of his army; by their absence Sir Henry was so cramped that he must act on the defensive, while the small reinforcement sent out with Admiral Arbuthnot would probably arrive

rive too late to be of any effectual service this campaign. The troops under General Grant in St. Lucia he wished to see ordered back to America, for two reasons; one that they might reinforce Sir Henry Clinton, and the other that they might quit a country where they were daily dying, without being able to do their country any further service. If his accounts were true, 300 of them had already died, and 1100 were lying sick in the hospitals. The force of France in the same quarter of the world was supposed to be near 16,000 strong, consisting of old regular regiments from Old France, so that 5000 men could not pretend to make conquests against such an army. The force of Mr. Byron was certainly superior to that of Mons. D'Estaing; but as he cannot detach a sufficient number of vessels to carry safe to New York General Grant's army, he may be said to be confined to a spot as much as D'Estaing is to Martinique.

He wished to know if any more offers were to be held out to the Americans; he was of opinion that it would be prudent and politic to treat. He would be glad to know if unconditional submission was still the object of administration; said he was the more desirous to know it, as the commission under which our commissioners held out terms to the Americans would expire in a short time.

If what was asserted by his honourable friend [Mr. Burke], on Monday last was true, viz. that the negotiation with Spain was broken off, he would not say our case was desperate, for he hoped we would act manfully, and by our spirit repel the threatening danger; but he could not avoid thinking it to be very alarming. America and France already at open war with us; Spain arming, and a cloud hanging over Ireland, afforded us rather a gloomy prospect.

The reports from Ireland were really alarming, and he could not but attribute in a great measure to administration the consequences that might ensue. They had put off to another session the consideration of Irish affairs; and had sown the seeds of discontent in the north of Ireland, by rejecting the clause in favour of the Dissenters that was tacked to a bill in favour of the Roman Catholics. The latter he deemed very proper objects of toleration, and he had done himself the honour to be one of the first who ventured to recommend that body of people to their own parliament; but he could not but contend that it was rather improper to exclude the Dissenters from a share in an indulgence offered to Roman Catholics.

Lord

Lord *North* said, that unconditional submission had never been his expression, nor, he believed, of any number of administration. He never had intended to enslave America, and had never been weak enough to imagine, that he could have supported slavery in it, even if he could have once introduced it. The question now in dispute was, whether we should renounce all connections with America, or whether we should endeavour to preserve her to Great Britain? and he was convinced that after-ages, considering the great importance of our colonies to us, would certainly applaud us for every effort we had made, and should hereafter make to keep them. He never had, in endeavouring to obtain this end, once thought of overturning the liberties of America; his sole view was to assert the just and natural rights of this country.

With respect to the 5000 in the West Indies, he had learned from their general, that the sickness was no longer mortal, and that the sick were recovering very fast. It was to be sure a disagreeable necessity to be obliged to send brave and gallant troops to an unwholesome climate; but when the French pointed their force to the West Indies, which are of the utmost consequence to us, administration ought not to be blamed for exposing the bravest men to preserve invaluable possessions.

The mediation of Spain certainly was at an end; the same friendly disposition towards us, however, apparently existed at the court of Madrid; the same pacific protestations were still made; no junction had taken place between France and Spain; but the same armaments to which the King had alluded at the opening of the session existed still, and consequently it would be proper to look to them with a jealous eye.

The reports from Ireland were certainly greatly exaggerated? Associations had indeed taken place, and non-importation agreements had been agreed to, but he had heard of nothing more. As to the complaint relative to the clause in favour of the Dissenters, he did not think it as well founded as gentlemen might imagine; it was tacked to the bill in favour of the Roman Catholics, with a view to destroy it; and when it arrived in England, it was a moot point whether the bill was more likely to pass or be rejected by the Lords and Commons of Ireland, with the clause or without it; and he was really of opinion, that if the bill had returned with the clause, it would have been rejected, as the clause tended to repeal the sacramental test, which was greatly liked in Ireland.

land. Besides, the bill and clause went upon very different principles; the former was built upon the rational ground of toleration; the latter was granting a participation in the government: the one was just and proper, the other perhaps imprudent and impolitic.

Mr. *Dempster* rose just to ask if all idea of negociation with America was over?

Mr. *Fox* rose to the same point. When the minister bronght his conciliatory bills into parliament fourteen months ago, it was reasonable to infer, that he had done so, because the King had not sufficient powers to treat without them. The Parliament was now going to rise; the commission for treating with America would expire in a month, and then, though America should be inclined to treat, it will not be in the power of the minister, according to his own doctrine, to treat. Mr. Fox took a general view of the state of affairs: he denied, that the clause in favour of the Dissenters had been tacked to the bill in favour of the Roman Catholics, with an intention to destroy that bill; and while he would go as great lengths as any man in England to grant the Roman Catholics every species of indulgence, he could not but blame administration for behaving harshly to the Dissenters of Ireland, to whom English liberty, and the constitution, were almost every thing.

Lord *George Gordon* informed the House of the victory the kirk of Scotland had lately gained over popery.

Mr. *Burke* pointed the keenest satire against the biggotry and intolerance of the Scotch, but laid the greatest blame on Administration, for nearly giving up the dignity of Parliament, in the speech made by the Lord High Commissioner in the synod of the church of Scotland. The moderate party had gained so great an ascendance in the synod, as to be able to get a Moderator chosen from among them; but when they found that intolerance was protected by ministry, and that consequently they would remain unsupported, they did not think proper to expose themselves to the rage of party in favour of the Catholics. The motion was agreed to.

June 3.

The resolution of the committee of yesterday on the King's message was reported, agreed to, and a bill ordered in. When this report was made there were only twelve members in the House; but it filled directly afterwards. The House went into a committee on the American correspondence. When the House was resumed, it was moved to adjourn after this day to the 5th, because to-morrow [the 4th] was the King's birth-day. As soon as this motion was made.

Sir

Sir *Philip Jennings Clerke* observed, that being resolved not to give his assent to the voting away so large a sum, part of which must be borne by his constituents, without knowing one or both of these two things, the real intentions of minister's respecting America, and the real dispositions of Spain relative to her future conduct respecting France and America, he came down early, in order to offer his reasons against agreeing to the resolution voted in the committee of supply the preceding day. He knew his own insignificance and want of weight too well, to presume that any thing he could urge would make the least impression; but as an act of duty to his constituents and his country at large, he thought himself obliged to attend and give his voice, however feeble, against the report, unless accompanied with the explanations alluded to.

He assisted at prayers, and remained nearly an hour in his place, expecting every instant to hear the report offered to be brought up; but seeing the House so very thin, he concluded that the report was meant to be put off till there should be a fuller attendance.

Resolving to be satisfied, when a motion was made for the House to resolve itself into a committee to inquire into the conduct of the American war, he whispered the Speaker to know what had become of the report? who informed him that the resolution had been just reported.

At this instant a loud laugh came from the treasury-bench, apparently on account of their having smuggled the report, and eluded his vigilance. For his part he could not conceive how such a circumstance could have happened. Seventeen or eighteen millions have been already granted; the present resolution was the last opportunity that House would have had of controlling ministers; and he was really astonished how such a sum of money could be granted and voted away in so indecent and improper a manner!

The *Speaker*. I am sure the report was received, and the question put on it in the usual manner. If the honourable gentleman has any thing to offer, he will have frequent opportunities to urge it in the future progress of the bill. The present is only a motion for leave to bring in the bill; the honourable gentleman may state his objections at the first or second reading, or commitment.

Colonel *Barré*. The chair must know, that a doctrine has for years prevailed in this House, no matter whether well or ill-founded, that it is not orderly to oppose a money-bill in any stage of its progress; and that the forms of proceed-

ing of the House bind, or affect to bind, every member, to urge whatever he was to offer in the committee, or on the report. The chair knows that, and, if he had recollected, would have seen that the resolution once reported, all effectual opposition would be thereby excluded.

You, Sir, [to the chair] are answerable, from your rank and duty to this House, not to permit its rights or usages to be either directly or substantially violated. I do not blame you, Sir; but in a House where there were not twenty members present, to receive a report whereby a grant of a million was voted, and that in such a manner that my honourable friend near me, sitting just at your elbow, and here at prayers, could not hear you either announce the report, or put the question, has in my mind a most extraordinary appearance. The report, Sir, ought not to be received in so thin a House, and at such a time! No convenience of the treasury-bench, no trick to secretly surprize the House, and smuggle the resolution by stealth under such circumstances, ought to have been permitted. It was a victory to the treasury-bench: they dreaded to be called upon for explanations which they dare not give. They have rode post on the present occasion, and they look forward with pleasure to the being able to escape the censures which must arise, I trust, from almost every side of the House, so long as the Parliament shall continue to sit. Such a procedure was indecent and unparliamentary; and I confess my surprise, that you, Sir, should be led into such a mistake, for I presume you did not see the matter in its true light.

The *Speaker*. I despise the insinuations made by the honourable member. He endeavours to charge me with acting an improper part on the present occasion, which, if I had acted in the manner he has stated, I acknowledge, would be a breach of my duty for which I could plead no excuse. Let the honourable gentleman not insinuate, but let him speak out like a man; because, in that case, I shall know what answer to give. I shall be then enabled to reply to his charge, though I confess myself totally unable to give an answer to a general insinuation.

The honourable gentleman should have been fully acquainted with all the circumstances before he proceeded to pronounce so decisively on my conduct.

The report stood the first order of the day. The House, it is true, was very thin; I waited for a better attendance till within a quarter of four by that clock [pointing to the House

house clock.] The report was then ordered to be brought up; it was received, and the question put upon it in the usual manner.

Would the honourable gentleman have me rise to oppose the report? Would he have me depart from the established mode of proceeding, and break into the usages of the House, unless some opposition were made, or negative proposed?

This is the true state of my conduct; if the honourable gentleman can meet these facts, and disprove them, let him bring his charge forward, like a man, and not by insinuations endeavour to throw blame on the Chair, which, I am free to say, are as uncandid in the manner they have been urged, as they are unfounded and unsupported by fact.

Colonel *Barré*. I did not throw any blame on the Chair; on the contrary, one of my first expressions when I rose was, that I was certain that you, Sir, was not to blame.

The *Speaker*. I insist that the right honourable gentleman did pass a censure, and a very severe one, on the Chair; nor did I hear the expression alluded to.

A member on the treasury bench said, that he heard the words of exculpation from the honourable gentleman when he first rose.

Colonel *Barré*. Nothing, Sir, could be farther from my thoughts than to suppose that you had the most distant wish to forward the little arts and low tricks of the treasury bench; for I am still free to contend that they acted in a most shameful and indecent manner. They perceived the House thin, and waiting to go into a committee; they knew the ideas that prevailed, and in the hurry and impatience that prevailed between the finishing of the private business, and my honourable friend's taking the chair, I repeat my former words, they smuggled the report by stealth; and, as a fuller confirmation of what they did, and what they feared, they now desire that the House shall meet on Saturday, to hurry that measure with all possible dispatch, which they had surreptitiously carried.

I do not perceive any of the chosen veteran phalanx on the treasury bench, nor any of sufficient weight or consequence, but my honourable friend [Governor Johnstone]. He seems to be in a thin company, and not to have his rear or his flanks well covered or supported; his station is newly taken, [the Governor always sitting under the gallery on the other side of the House,] I cannot therefore call upon any of the new faces which at present occupy that bench, and must content myself for the present.

Governor *Johnstone*. The right honourable gentleman has been very witty, which I am ready to submit to; but what he means by his fronts, and flank, and rears, I am at a loss to guess, unless it be to make a Scaramouch of himself. The vote he so much complains of, is a matter which he is at least as much bound to forward as I am. He has a place, or voice, in his Majesty's councils, and, as such, stands more nearly connected with government than I do. It may be a part of his duty to forward and assist those councils at which he is presumed to assist; but as for my part, the right honourable gentleman knows, that I neither approve of the conduct of administration, nor am I bound by any tie whatever to support the measures of administration, though he may.

The right honourable gentleman seems to throw great blame on the treasury-bench, and to exculpate you, Sir. For my part, if there be any blame, it is you, and you only, that are answerable. If the treasury bench, from any motives of convenience, or from wishing only in the usual way to carry on the public business, urged the report in a thin house, I mean, if it was improperly done, it is you, Sir, that are accountable for the consequences to this House.---I do not charge the Chair with any neglect of duty; but I am clear the treasury-bench did no more than what is usual.——The right honourable gentleman seems surprised that any person, particularly that I, should differ from him. I do assure him, that I differ from many of his political opinions, and believe ever shall; but, be mine what they may, they shall ever be governed by my own opinions, and not those of any other man.

Colonel *Barré*. The honourable gentleman who spoke last has, by way of distinction, emphatically described me by the appellation of the *right* honourable gentleman; and presuming that, as I assist in his Majesty's councils, which he well knows I do not, follows that with another presumption, rather novel to me, that, as having the honour of a seat at the council-table, I am bound by my situation to support the measures of government, whether I approve of them or not, right or wrong.

The honourable gentleman has pronounced on your conduct decisively; he wants to represent you unfit for assisting in his Majesty's councils, and me as no longer worthy of a place there.

The honourable gentleman has called me a Scaramouch. I do not believe that such language is parliamentary: I should be obliged to him if he would condescend to explain himself.

He

He says that I am more nearly connected with government than he; perhaps it may be so; but it does not strike me exactly in the same light; for, if I mistake not, the honourable gentleman, at a very high appointment, has been for fourteen or fifteen months acting under his Majesty's commission. I will not pretend to say whether that appointment and the emoluments arising from it have ceased within these two or three days; but if they have, it is probable that a gentleman of his weight and abilities will not remain long unemployed. I am sure, if he should, it will afford one additional proof of the indolence or ignorance of administration who could be so forgetful as to permit so able and willing a partizan to continue unrewarded for past or future services.

Had I recollected in time I should have avoided any thing which might have proved the occasion of calling up the honourable gentleman; for I could have easily called for explanations from a worthy knight [supposed to mean Sir William Gordon], who is better informed than his honourable friend or I, on the etiquette of royalty, and what ought to be expected from warm partizans and privy counsellors, having himself represented royalty at a splendid foreign court, I mean the person of the King of Great Britan, so much to the honour of his royal master, himself, and his country.

The *Speaker* re-stated his arguments in reply to Governor Johnstone; contended that he could not have acted otherwise than he did; and concluded, that no manner of blame could be fairly imputed to him.

Governor *Johnstone* insisted, if there was any blame due, he, [the Speaker,] and he only, was answerable; but that the report having been made at the usual hour, and it being the first order of the day, no blame, in his opinion, was imputable to either the chair or the treasury-bench.

Colonel *Barré* insisted on an explanation of the word Scaramouch; but the Speaker, in order to put an end to all farther altercation, informed the House that the messengers were attending at the other House the whole evening with a divorce bill; that it was full time to call them in; and here the conversation ended.

The House resolved itself into a committee on the American inquiry, Frederick Montague, Esq. in the chair.

Lieutenant Colonel *Kingston* called in and examined by General Burgoyne.

Q. In what capacity did you act in the campaign of 1777?

A. As deputy adjutant-general of the province of Quebec. I acted as adjutant-general of the army under General Burgoyne, and also as secretary to General Burgoyne.

Q. Did not that double capacity, and the confidence with which General Burgoyne treated you, lead you to the knowledge of the material circumstances attending that campaign?

A. I looked on myself to be in the entire confidence of the General.

Q. Did General Burgoyne give any orders for the augmentation of artillery destined for his expedition after his arrival in Canada?

A. There was no such order went through me, nor did I hear of any such order being given.

Q. Have you reason to believe that the proportion of artillery employed was according to the opinion and recommendation of Major-General Phillips?

A. I believe General Burgoyne had the greatest confidence in General Phillips's knowledge and abilities; and I believe the proportion of artillery to have been arranged between General Phillips and Sir Guy Carleton, because I do not know of any directions given by General Burgoyne upon that head.

Q. What were the orders given, at the opening of the campaign, respecting the incumbrances of baggage?

[*The witness refers to the orderly book, which he had with him.*]

A. They are the original orders written by myself at the time.

Q. Read the orders.

[*Reads.*] "Extracts from orders issued by Lieutenant-General Burgoyne at Montreal, dated 30th May 1777-----The regiments destined for the expedition under Gen. Burgoyne are to leave, in their respective stores, their blanket coats, legging, and all baggage that can be spared during the summer months; the officers are depended on not to encumber the service with more baggage than shall be absolutely necessary for a campaign, where the movements may be expected to be sudden and alert. The portion of batteaux to each regiment will be regulated on those principles."

Q. Were those orders afterward in force?

A. Orders were issued again to the same purport, dated Skenesborough-House, July 12th.

[*Reads.*] "It is observed, that the injunction given before the army took the field relative to the baggage of officers, has

has not been complied with, and that the regiments in general are incumbered with much more baggage than they can possibly be supplied with means of conveying, when they quit the lakes and rivers; warning is therefore again given to the officers to convey by the batteaux, which will soon return to Ticonderoga, the baggage which is not indispensably necessary to them; or, upon the first sudden movement, it must inevitably be left upon the ground: such gentlemen as served in America the last war may remember, that the officers took up with soldiers tents, and often confined their baggage to a knapsack for months together."

Q. Have you a letter from General Burgoyne to General Reidesel on the subject of the incumbrance of baggage?

A. I have an extract of it, taken from the original letter in the letter book. It is as follows:

Extract of a Letter from Lieutenant-General Burgoyne *to Major-General* Reidesel, *dated Head-Quarters, at* Skenesborough, *the* 18*th of July* 1777.

"Je vous supplie de faire en sorte que l'esprit de l'ordre par rapport à le renvoye des baggages des officiers à Ticonderoga aye lieu.

"Les baggages des officiers Britanniques, sont deja renvoyé et il n'en reste à plusieurs q'une petite tente et un valise. C'est réelment pour l'interet de l'officier à la fin, que je suis si porté à cet article."

TRANSLATION.

"I request you to take measures that the spirit of the order, respecting the sending back officers baggage to Ticonderoga, may have due force. The baggage of the British officers is already gone, and many of them have only retained a small tent and one cloak bag. It is really for the interest of the officers in the end, that I am so pressing upon this subject."

Q. When the contract was made for horses and carts at Montreal, was it the general opinion of the persons of best intelligence consulted, that the number was more or less than necessary for the service on which we were going?

A. In general conversation on that subject, I remember to have heard it said, that though they were insufficient, we might expect to find additional supplies in the country. I

have extracts of letters here that passed between General Burgoyne and General Phillips on that subject; they are extracted from the original letter copy book: they are as follows:

First application from Major-General Phillips, *relative to horses, dated* Montreal, *4th* June, 1777.

SIR,

I take the liberty of informing your excellency, that there has yet been no arrangement made for marching the field artillery by land, should the corps of troops, upon an expedition under your command, in the campaign, quit the Lakes Champlain and George, and the rivers.

I have, upon the strictest information which could be procured, reason to believe, that neither carriages nor horses will be to be had nearer than Albany, should the route of your army be that way, and even in that country, it will necessarily require a considerable time before any can be got; all which must necessarily delay the operations of the campaign after the reduction of Ticonderoga: I therefore submit to your excellency's consideration, whether horses, and such ammunition carriages as may be wanted, should not be procured for the service of the campaign, for the field artillery attached to the corps of troops your excellency is to command this campaign.

I have the honour to be,
Sir,
with the greatest respect,
your excellency's most obedient
and most humble servant,
W. PHILLIPS, Maj. Gen.
commanding the royal artillery in Canada.

His excellency Lieutenant-General Burgoyne.

Copy of a Letter to Major-General Phillips, *respecting horses, dated* Montreal, *4th* June, 1777.

SIR,

I have the honour of your letter of this day's date, informing me that no arrangement has yet been made for moving the field artillery by land; and that, upon the best information you can obtain, neither carriages nor horses can be procured on the other side Lake Champlain, nearer than Albany.

In

In consequence of this representation, I have to request you to give in your opinion, upon the mode of procuring horses and carriages from this country, combining the considerations of dispatch, sufficiency, and œconomy towards government; and I wish to know the opinion as soon as possible.

I am,
with the truest regard,
Sir,
your obedient humble servant,
J. BURGOYNE, Lieut. Gen.

Major General Phillips.

Extracts of Letters from Major General Phillips, &c.

Extract of a Letter from Major General Phillips, *to Lieutenant General* Burgoyne.

Montreal, June 5th, 1777.

I HAVE the honour of your excellency's letter to me of yesterday, in answer to one I wrote on the subject of the field artillery being supplied with horses, &c. &c.

You are pleased, Sir, to order me to give an opinion upon the mode of procuring horses and carriages from this country, combining the considerations of dispatch, sufficiency, and œconomy towards government.

There are but two modes of procuring horses for the service, supposing the country is not to furnish them, upon corvées; the one is by purchasing of horses upon the account of government, the other by contract.

The first of these modes has always appeared to me difficult, uncertain, and full of openings for every species of imposition, and the expence uncertain; government must trust various people to buy horses, and in this country it will not be possible to procure any persons who will not immediately pursue the views of gaining money to themselves, with a consideration for the king's service: add to this, that it will become such a charge, that many commissaries must be appointed, and various other officers of that sort, which being a mixture of inspectors into the purchases of horses, and necessarily also, at times, the being purchasers, it will be difficult ever to ascertain the price, and seldom that the goodness of horses can be depended on.

I have seen in my service this mode attempted, but it has to my knowledge failed; I must allow, that could it be carried into execution complete, it would be the cheapest for government; but taking into consideration the various impositions which will arise, and that the setting out on a plan of this nature will require a very large sum of money, perhaps from 20,000l. to 30,000l. to be entrusted into various hands, I freely give it as my opinion that is not a perfect plan. The contracting for a certain number of horses, at a fixed price for the hire by day, reduces the whole to a very simple, and therefore generally a certain plan. It depends in the setting out, by making as cheap, as fair and just a bargain on the part of government, as can be; and being so made, that the military and civil officers do their duty by attending to the receiving of horses, only as they are fitting for service. The contractor has his interest so directly connected with fulfilling his contract, as upon failure it ceases, that he will exert all means to do it, and the care of government will be, that it be done honestly and completely.

I have thus obeyed your excellency's orders, and given an opinion which I submit entirely to your consideration.

Extract of a Letter to Nathaniel Day, *Esq. Commissary-General, &c. dated* Montreal, June *4th*, 1777.

I BEG the favour of you to calculate what number of horses and carriages, (supposing them such as are in common use in Canada) will be sufficient for conveying by land thirty days provision, for ten thousand men, together with about a thousand gallons of rum, and you will please to make me your report as soon as possible.

Extract of a Letter to Sir Guy Carleton, *dated* Montreal, June *7th*, 1777.

HAVING had the honour to represent to your excellency the necessity of being provided with a certain number of horses and carriages for the artillery, victual, and other indispensable purposes of the army, when it shall be obliged to quit the borders of the lakes and rivers; and having understood from your excellency that such provision could not be made by the ordinary methods of corvée; and that if proposed without a compulsion upon the country, the effect would be precarious, dilatory and expensive, I have the honour

nour now to lay before your excellency, proposals of contracts for an expeditious supply of horses for the artillery, and five hundred carts, with two horses each, for the other purposes.

I am too ignorant of the prices of the country to offer any judgment upon the reasonableness of these proposals; nor have I any long acquaintance with Mr. Jordan, or other motive for wishing him the preference, if other persons can be found equally capable, responsible and expeditious.

I have only thus far interfered, upon a conviction, after considering the route the King's orders direct, and taking all possible methods of information upon the supply to be expected as we proceed, that to depend upon the country would be to hazard the expedition.

Your excellency will observe that, in order to save the public expence as much as possible, I have reduced this requisition much below what would be adequate to the service, and I mean to trust to the resources of the expedition for the rest. Five hundred carts will barely carry fourteen days provisions at a time; and Major General Phillips means to demand as few horses as possible, subject to whatever future augmentations future services may require; the present number wanted will be about four hundred; there will then remain unprovided for (for expeditious movement), for transport of batteaux from Lake George to Hudson's River, and the carriage of the tents of the army, and many other contingencies, that I need not trouble your excellency to point out to you.

Q. Have you the returns or extracts of returns of the strength of the army at all the different periods of the campaign?

A. I have extracts from the returns.

Q. What was the strength of the regular troops at the highest at the opening of the campaign, rank and file, fit for duty?

A. The first returns I received on the 1st of July.

The British were 3576, fit for duty.
Germans 2219, do.

6495

I speak solely of the army under Lieutenant General Burgoyne.

Q. What were the numbers of the artillery and the corps under Lieutenant Nutt, attached to the service of the artillery

A. British

A. British artillery	- -	257
Germans	- - -	100
Recruits under Lieutenant Nutt	- -	154

Q. Were there any other troops in the army that could be called regulars?

A. There were Canadians, Provincials and Indians; but I never considered them as regulars, because they were undisciplined?

Q. Can you state about what was the number of Canadians

A. The Canadians were 148, the highest number.

Q. The Provincials?

A. I would be understood to speak to the opening of the campaign the 1st of July; they were low then, and encreased afterwards; they were then 83.

Q. The Indians?

A. Between three and four hundred; it was very difficult to collect what their number was exactly.

Q. Was the army ever so high in number, Provincials and Indians excepted, as at that period?

A. I believe it never was. On the 3d of September additional companies joined the British, to the amount of about 300 men; but from killed and wounded, and the garrison left at Ticonderoga, the army was at no time equal to its first number.

Q. What was the force left at Ticonderoga?

A. The first garrison consisted of 462 British rank and file, 448 Germans rank and file, making 910 in the whole.

Q. Do you remember the difficulties which attended moving the wounded to Ticonderoga, after the action at Huberton?

A. I remember to have heard they were very great; different propositions were made for the removing them, such as biers and hand-barrows, which were so very incommodious, that I remember to have been told that the wounded would rather be left where they were, than move in the then state of their wounds by such conveyances.

Q. Do you know what were General Burgoyne's motives for detaching General Reidesel with a large corps of troops to the country in the neighbourhood of Castleton?

A. I do not remember to have been present when General Reidesel received his orders or instructions, but I understood it was to create an alarm towards Connecticut, to give encouragement to the loyal inhabitants, if any such there were, and to protect those that were wounded at Huberton, or thereabouts.

Q. Was

Q. Was the removal of those wounded effected long before General Reidesel was recalled from Castleton?

A. I believe not, for I am not quite certain that the whole were moved when General Reidesel returned to the army at Skenesborough, a day or two before the first division of the army moved towards Fort Anne.

Q. Have you any papers written by General Burgoyne between the time he was at Montreal and the time he left Skenesborough, explanatory of the motives on which he acted?

A. I have, they are extracts from the original letter book, and are as follow:

Extract of a Letter to General Harvey, *dated* Montreal, May 19*th*, 1777.

YOU have permitted me, as formerly, to write to you confidently: I take the first conveyance to renew a correspondence so pleasing and honourable to myself, and that may in some cases become beneficial to the public service: it shall never be employed but to convey truths, to do justice to facts and persons, and to secure myself in the continuance of an esteem so valuable to me as yours, against appearances and misrepresentations.

I have reason to be exceedingly satisfied with all that has been done, and with most things that are doing; exertions have been made during the winter, which was remarkably favourable, in all the departments, and preparations are very forward. Those which have been committed to the direction of General Phillips have been executed with a diligence, precision and foresight, that entitle him to the fullest praise. The troops are in a state of health almost unprecedented, and their spirits and general improvement are equally objects of great pleasure and promise; to this agreeable representation, I have the happiness to add that Sir Guy Carleton has received me, and the orders I brought, in a manner that in my opinion does infinite honour to his public and private character.

That he should have wished for the lead in active and important military operation is very natural. That he thinks he has some cause of resentment for the general tenor of treatment he has received from some of the ministers is discernible; but neither his disappointments, nor his other personal feelings, operate against his duty; and I am convinced he means to forward the King's measures entrusted to my hands with all

all the zeal he could have employed, and they rested in his own.

My intention is, during my advance to Ticonderoga and siege of that post, for a siege I apprehend it must be, to give all possible jealousy on the side of Connecticut. If I can, by manœuvre, make them suspect that, after the reduction of Ticonderoga, my views are pointed that way, it may make the Connecticut forces very cautious of leaving their own frontiers, and much facilitate my progress to Albany. I mention this intention only to Lord George and yourself, and I do it lest from any intelligence of my motions that may reach England indirectly, it should be supposed I have suffered myself to be diverted from the main object of my orders. The King and his Majesty's ministers may rest assured, that whatever demonstrations I may endeavour to impose upon the enemy, I shall really make no movement that can procrastinate my progress to Albany.

One thing more occurs. I had the surprise and mortification to find a paper handed about at Montreal, publishing the whole design of the campaign, almost as accurately as if it had been copied from the secretary of state's letter. My own caution has been such, that not a man in my own family has been let into the secret: Sir Guy Carleton's I am confident has been equal: I am therefore led to doubt whether imprudence has not been committed from private letters from England, and wish you would ask my friend D'Oyley, to whom my very affectionate compliments, whether there is any person within the line of ministerial communication that he can suspect to be so unguarded: it is not of great consequence here, except as far as regards St. Leger's expedition; but such a trick may be of most prejudicial consequence in other cases, and should be guarded against.

Extract of a Letter to General Harvey, *dated Camp on the* Bouquet, *near* Lake Champlain, June 22*d*, 1777.

I HAVE had to contend against wet weather, that rendered the roads almost impracticable at the carrying-places, and consequently the passage of the batteaux and baggage exceedingly dilatory, besides a great deal of contrary wind. Indeed the combination of land and water movement, bad roads, inactivity, and sometimes disobedience in the country, and a thousand other difficulties and accidents unknown in other services, disconcert all arrangements. I do not mention this *upon my own* account, as I do not hold myself responsible for

delays

delays within the province of Canada, but I mention it to do justice to others who, I really think, have infinite merit in overcoming the obstructions we have met with, and who ought to be justified against some acquaintances of yours and mine who travel across a map very fast, and are very free in their comments, when others who have ten times their knowledge and resources do not answer their predictions and expectations.

I have been exceedingly distressed in regard to the brigadiers of this army. Sir Guy Carleton, the day I took leave of him, put into my hands an extract of a letter from the secretary at war, approving the appointment of those gentlemen, but observing that, whenever any of them should *lead their brigades out of the province of Canada, in order to join the troops under General Howe*, there would be a necessity for their command ceasing as brigadiers, &c.

Were this to be put in execution, according to the letter of the order, and the geographical limits of Canada, and supposing Major General Phillips at the same time to be employed solely in the artillery, I should find myself at the head of an army to undertake a siege, and afterwards pursue objects of importance and possibly of time, without a single intermediate British officer, between the Lieutenant General commanding *pro tempore* in chief, and a Lieutenaut Colonel. It would be preposterous and impertinent in me to say one word more to you as an officer, upon the impossibility of methodizing, or conducting an army with such a total deficiency of staff. Had Lord Barrington condescended to have communicated his intentions to me in London, I think I should have convinced him of the impropriety; as it is, I must conclude that the spirit of the order goes only to prevent these gentlemen bearing a higher rank and pay than senior Lieutenant Colonels serving in the same army, and that therefore there can be no fault in keeping it dormant till the junction takes place. In other words, I look upon mine to be the Canada army, till such time as I am in communication with General Howe, so as to make part of his force; and consequently without measuring degrees north and south, that the arrangements made in Canada, and approved by the King, remain in force till that time.

I am persuaded, my dear general, you will support me in this liberty, if such it is to be called; not only as the absolute order and method of the service depends upon it, but also to avoid to these gentlemen who have really great merit, the vexation and the ridicule of being deprived of their rank and

and pay in the hour of that very service, with a view to which their appointment was originally made. I think I can answer that the junction made, and the reasons for reverting to their former ranks, become obvious, they will submit to his Majesty's pleasure without a murmur.

Extract of a Letter from Lieutenant General Burgoyne *to General* Harvey, *dated Head-Quarters*, Skenesborough July 11, 1777.

THE mere compliment of service I have given to the troops in orders, and in the relation designed for the Gazette, is not doing them sufficient justice; it is a duty in me, further, through you, and I know I shall impose a pleasing task on you, to assure the King that their behaviour is uniformly good in the camp as in action.

After what I have publicly mentioned of Fraser, I am sure I need not press you in his favour. I cannot but feel confident in the hopes that his Majesty's grace will find its way through all obstacles to prevent so discouraging a circumstance as the return of this gallant officer to the mere duty of Lieutenant Colonel at the head of one battalion, after having given ascendancy to the King's troops, and done honour to his profession, by the most spirited actions in critical periods of two successive campaigns.

You will observe, Sir, both in the public letter and in the order of battle which Captain Gardner will put into your hands, that Major General Phillips is occasionally employed separately from the strict line of his department. This does not proceed from inattention to the explanation of his Majesty's pleasure two years ago, but from absolute necessity. The staff being composed without any British Major General, Brigadier Fraser being posted where he is of infinite use at the head of the advanced corps, the service would suffer in the most material degree, if the talents of General Phillips were not suffered to extend beyond the limits of the artillery. And I hold myself fully justified in continuing the great use of his assistance under this extension, by what I understand to be the signification of the King's pleasure to Sir Guy Carleton, viz. "that this measure must not be made a precedent," but not forbidding it during the present exigency.

I flatter myself the King will be satisfied with the diligence used in taking the field, as well as with the subsequent operations;

operations; if not, my disappointment can only proceed from my own deficiency in stating the embarrassments I found, notwithstanding previous preparations and cordial assistances, remote situations of the troops, currents, winds, roads, want of materials for caulking the vessels, inactivity and desertion of the Canadian corvée, were all against me. A great difficulty lay in providing horses and carriages for the bare transport of provisions and tents when we should arrive at Fort George, or any other place where the army should have no resource of water-carriage. I found an active, and I think a reasonable contractor, who supplied this necessity at a much cheaper rate than it could have been done any other way. I enclose a copy of the contract to the treasury, to which I refer you. You will observe that I have limited the number to the mere indispensable purposes of provisions and tents, trusting to the country for the further assistance of officers baggage, and the other *attirail* of an army. Experience already shews me that I judged right in not trusting to the country for men; for, had this precaution been omitted, I should be bound fast to the spot where I am, or obliged to return by water to Ticonderoga.

I avow also to you, my advice to General Carleton to grant commissions to two provincial battallons, to be raised from Albany and Charlotte county, by a Mr. Jessup and a Mr. Peters, upon condition that the commissions should not take place till two-thirds of the corps should be effective. Provincial corps acting zealously in the King's cause, must have great impression upon public opinion, and will besides in fact be of singular use to the ease and preservation of the regular troops.

Upon this principle, therefore, I have not hesitated farther to receive and to pay such loyalists as have come in with their arms since the success of Ticonderoga, and wished to be employed. Though I have not power to grant commissions, I post the officers and form them into companies, till the measure can be decided by those who have more authority.

I hope all these articles of expence will meet with the support of your opinion, and have only to add, that as no job shall be done by myself, so will I use all efforts to prevent such being done by others.

I am indispensably obliged to wait some time in this position to clear roads and make bridges, which is great labour in this country, and to bring up a stock of provision, and also to give time to the gun-boats, batteaux, and provision-vessels, to be

put

put into Lake George to scour that Lake, and secure the future route of the magazines. I propose to possess Fort Edward, at the same time that the force is ready to move down the Lakes, by which means, if the army do not evacuate Fort George, the garrison must inevitably be caught. In the mean while I have ordered Reidesel to make roads, reconnoitre the country, and make all other possible feints of a march to Connecticut, and by some other measures I hope to give alarm that way.

Q. Are you acquainted with any facts that will ascertain whether, on the army's arriving at Fort Edward, it was forwarder in its progress towards Albany, in point of time, than it would have been had it taken the route by Ticonderoga and Lake George?

A. In answer to that question I have to say, the army by taking that route was a head of the transport of provisions, which, for the greatest part, went from Ticonderoga by the route of Lake George.

Q. At our first arrival at Fort Edward, and previous to the roads being mended, in what proportions did provisions arrive at our camp?

A. Very little more than for the immediate consumption.

Q. Have you the memorandum books of Sir Francis Clark?

A. Yes.

Q. Do you know them to be his hand-writing?

A. I am fully convinced of it, having seen him enter many of the articles in these books.

Q. Has there been any alteration or addition since you had them?

A. None.

Q. What was the character of Sir Francis Clark, respecting his accuracy?

A. I never saw an officer more attentive to the duties of his station than Sir Francis Clark, and always found him exceedingly accurate in the remarks he made?

Q. Are there any memorandums respecting the arrival of provisions at that time?

A. There are several.

Q. You will read two or three

[*Reads*] "5th August, victualling of the army out this day, and, from difficulties of roads and transports, no provisions came in this night.

"6th

" 6th August, at 10 o'clock this morning, not quite enough provisions arrived for the consumption of two days."

Q. Was it in general understood from the combined intelligence received by General Reidesel, while he was detached to Castletown, and that received by General Burgoyne from the provincials in his camp, that there were many well affected inhabitants in the country towards Bennington, who would shew themselves on the approach of troops, and that there was dejection and submission among the party attached to the Congress?

A. I did hear several reports to that purpose.

Q. Have you the original rough draft of the expedition to Bennington, as presented to General Burgoyne from General Reidesel, with General Burgoyne's alterations and additions?

A. I have the original rough draft of the proposals for the Bennington expedition; but not being present at the time, I can't say whether those proposals were delivered by General Reidesel or not; but I know all alteration made in those proposals by General Burgoyne, from a knowledge of his hand writing.

Note. The witness delivered into the committee the original rough draft of the instructions, with a fair copy.

The following is a copy of the proposals delivered by Gen. Reidesel to Gen. Burgoyne, with the alterations made therein by Gen. Burgoyne, such alterations being here marked.

☞ *The erasures made by General Burgoyne are printed in Italic Letter, and the Amendments are printed within inverted commas.*

INSTRUCTIONS for Lieutenant Colonel BAUM, on a secret *Expedition to the Connecticut River.*

THE object of your expedition is to try the affections of the country, to disconcert the councils of the enemy, to mount the Reidesel dragoons, to complete Peters's corps, and to obtain large supplies of cattle, horses and carriages.

The several corps, of which the inclosed is a list, are to be under your command.

The troops must take no tents; and what little baggage is carried by officers must be on their own bat horses.

You are to proceed *by the route* from Batten Kill to Arlington, and take post there, *so as to secure the pass from Manchester. You are to remain at Arlington* till the detach-

ment of the Provincials, under the command of Captain Sherwood, shall join you from the southward.

You are then to proceed to Manchester, where you will take post so as to secure the pass of the mountains, on the road from Manchester to Rockingham. From hence you will detach the Indians and light troops to the northward, towards Otter Creek. On their return, and also receiving intelligence that no enemy is in force "upon the Connecticut River," *in the neighbourhood of Rockingham*, you will proceed by the road over the mountains, to Rockingham, where you will take post. This will be the most distant part of the expedition, "and must be proceeded upon with caution, as you will have the defile of the mountains behind you, which might make a retreat difficult; you must therefore endeavour to be well informed of the force of the enemy's militia in the neighbouring country.

"Should you find it may with prudence be effected," you are to remain there "while the Indians and light troops are detached up the river," *as long as necessary to fulfil the intentions of the expedition from thence*; and you are afterwards to descend *by* the *Connecticut* River to Brattlebury, and from that place, by the quickest march, you are to return by the great road to Albany.

During your whole progress, your detachments are to have orders to bring in to you all horses fit to mount the dragoons under your command, or to serve as bat horses to the troops; "together with," *they are likewise to bring in* as many saddles and bridles as can be found. "The number of horses requisite, besides those necessary for mounting the regiment of dragoons, ought to be 1300. If you can bring more, for the use of the army, it will be so much the better."

Your parties are likewise to bring in waggons and other convenient carriages, with as many draught oxen as will be necessary to draw them, and all cattle fit for slaughter (milch cows excepted) which are to be left for the use of the inhabitants. Regular receipts, in the form hereto subjoined, are to be given in all places where any of the above-mentioned articles are taken, to such persons as have remained in their habitations, and otherwise complied with the terms of General Burgoyne's manifesto; but no receipts to be given to such as are known to be acting in the service of the rebels. "As you will have with you persons perfectly acquainted with the abilities of the country, it may perhaps be advisable to tax the several districts with the portions of the several articles, and limit the hours for their delivery; and should you find

find it necessary to move before such delivery can be made, hostages of the most respectable people should be taken, to secure their following you the ensuing days. All possible means are to be taken to prevent plundering.

"As it is probable that Captain Sherwood, who is already detached to the southward, and will join you at Arlington, will drive in a considerable quantity of cattle and horses to you, you will therefore send in those cattle to the army, with a proper detachment from Peters's corps to cover them, in order to disencumber yourself. But you must always keep the regiment of dragoons compact.

"The dragoons themselves must ride and take care of the horses of the regiment. Those horses which are destined for the use of the army must be tied together by strings of ten each, in order that one man may lead ten horses. You will give the unarmed men of Peters's corps to conduct them, and inhabitants whom you can trust. You must always take your camps in good positions, but at the same time where there is pasture; and you must have a chain of centinels around your cattle and horses when grazing.

"Colonel Skeene will be with you as much as possible, in order to assist you with his advice, to help you to distinguish the good subjects from the bad, to procure you the best intelligence of the enemy, and to choose those people who are to bring me the accounts of your progress and success.

"When you find it necessary to halt for a day or two, you must always entrench the camp of the regiment of dragoons, in order never to risk an attack or affront from the enemy.

"As you will return with the regiment of dragoons mounted, you must always have a detachment of Captain Fraser's or Peters's corps in front of the column, and the same in the rear, in order to prevent your falling into an ambuscade when you march through the woods."

You will use all possible means to make the country believe that the troops under your command are the advanced corps of the army, and that it is intended to pass the Connecticut, on the road to Boston. You will likewise "insinuate" *have it insinuated* that the main army from Albany is to be joined at Springfield by a corps of troops from Rhode Island.

You will send out occasionally, cattle or carriages, to prevent being too much incumbered, and will give me as frequent intelligence of your situation as possible.

It is highly probable that the corps under Mr. Warner, now supposed to be at Manchester, will retreat before you; but should they, contrary to expectation, be able to collect in great force, and post themselves advantageously, it is left to

your discretion to attack them or not, always bearing in mind that your corps is too valuable to let any considerable loss be hazarded on this occasion.

Should any corps be moved from Mr. Arnold's main army, in order to intercept your retreat, you are to take as strong a post as the country will afford, and send the quickest intelligence to me; and you may depend on my making such a movement as shall put the enemy between two fires, or otherwise effectually sustain you.

It is imagined the progress of the whole of this expedition may be effected in about a fortnight; but every movement of it must depend upon your success in obtaining such supply of provisions as will enable you to subsist for your return to the army in case you can get no more. "And should not the army be able to reach Albany before your expedition should be completed, I will find means to send you notice of it, and give your route another direction."

All persons acting in committees, or any offices under the directions of the Congress, either civil or military, are to be made prisoners.

Q. Whether you have reason to know that all the erasures and alterations in that plan were made before the expedition took place?

A. I believe they were, from the reading of it.

Q. Do you remember taking this plan to General Phillips the day General Burgoyne went to Fort George to inspect the transports of provisions?

A. I remember it very well, it was the rough draft I took.

Q. What were General Phillips's sentiments upon it?

A. I remember General Phillips and I had a long conversation on the slowness of the arrival of the transport of provisions, and he said he looked on this as a very good idea, that he saw no objection, and asked me if I knew of any.

Q. Do you remember showing the plan to General Fraser?

A. I do very well.

Q. What did he express on that subject?

A. He desired me to leave it with him till the afternoon for his consideration; he came himself to my tent the next morning early; he expressed himself to me in a manner that conveyed a disapprobation of the Germans being employed in it. I think I observed to him that since the honour gained by the advanced corps at Huberton, I believed General Reidesel was desirous of having the Germans employed. I mentioned to

General

General Fraser my ideas of provisions being obtained by that expedition, and the army thereby enabled to get quicker on to Albany than waiting for the slow transport from Fort George. General Fraser said something about Germans which I don't recollect, which brought this remark from me. I desired General Fraser, from the friendship he had for General Burgoyne, if he saw any real objection to this plan, to express himself fully and freely to General Burgoyne himself; that the scouts of the army and the guides were attached to his, the advanced corps, and he might, through them, perhaps know more of the nature of the country than I did, and therefore I pressed him to mention his objection, if he had any, to General Burgoyne; I think he said, but I am not quite certain, "the Germans are not a very active people, but it may do." I pressed him at parting to go to General Burgoyne, if he thought it would not do. He said No, and went off.

Q. Were not many of the Provincials in the army of the country about Bennington and towards the Connecticut?

A. I can't pretend to say they were from that country, but I understood many of them were well acquainted with that country.

Q. Do you remember Captain Sherwood in particular?

A. I do very well.

Q. Was he of that country?

A. I understood he was of that neighbourhood.

Q. Did you ever hear Colonel Skeene, or any other Provincial consulted on an expedition into that country, express any apprehensions of its success?

A. I never did. Sir Francis Clark told me he had received favourable accounts from Colonel Skeene, and I believe after part of the expedition had taken place.

Q. Are there any memorandums of Sir Francis Clark's respecting the expedition to Bennington?

A. Yes.

Q. Is there any that marks the distance between Batten Kill and Bennington?

A. Yes; it is his hand writing. [*Reads*] "From the mouth of Batten Kill east for two miles, then strike off south-east for about fifteen miles to Cambridge, and so on about twelves miles to Bennington."

Q. Have you the original letters written from Colonel Baum to General Burgoyne, whilst he was on the expedition?

A. They are here.

He delivered them into the committee, and they are as follow:

SIR, *Batten Kill, 12th August 1777.*

I HAD the honour of acquainting your excellency, by a man sent yesterday evening by Colonel Skeene to head quarters, of the several corps under my command being encamped at Saratoga, as well as of my intention to proceed the next morning at five o'clock; the corps moved at that time and marched a mile, when I received a letter from Brigadier General Fraser, signifying your excellency's order to post the corps advantageously on Batten Kill, 'till I should receive fresh instructions from your excellency. The corps is now encamped at that place, and wait your excellency's orders. I will not trouble you, Sir, with the various reports which spread, as they seem rather to be founded on the different interests and feelings of the people who occasion them.

I have the honour to be most respectfully,
your excellency's
most obedient, and
humble servant,
F. BAUM.

The reinforcement of 50 chasseurs which your excellency was pleased to order, joined me last night at 11 o'clock.

General Burgoyne.

SIR, *Cambridge, 13th August 1777.*

IN consequence of your excellency's orders I moved this morning at four o'clock with the corps under my command; and after a march of 16 miles arrived at Cambridge at four in the evening. On the road I received intelligence of forty to fifty of the rebels being left to guard some cattle; I immediately ordered 30 of the provincials and 50 savages to quicken their march in hopes to surprize them: they took five prisoners in arms, who declared themselves in the service of the Congress, yet the enemy received advice of our approach, and abandoned the house they were posted in. The provincials and savages continued their march about a mile, when they fell in with a party of 15 men, who fired upon our people and immediately took to the woods with the greatest precipitation; the fire was quick on our side, but cannot learn if the enemy sustained any loss; a private of Captain Sherwood's company was the only one who was slightly wounded in the thigh. From the many people who came from Ben-

nington

nington they agree that the numbers of the enemy amount to 1800; I will be particularly careful, on my approach at that place, to be fully informed of their strength and situation, and take the precautions necessary to fulfil both the orders and instructions of your excellency.

I cannot ascertain the number of cattle, carts and waggons taken here, as they have not been as yet collected; a few horses have been also brought in, but am sorry to acquaint your excellency, that the savages either destroy or drive away what is not paid for with ready money; if your excellency would allow me to purchase the horses from the savages, stipulating the price, I think they might be procured cheap, otherwise they ruin all they meet with, their officers and interpreters not having it in their power to controul them; your excellency may depend on hearing how I proceed at Bennington, and of my success there. Praying my respectful compliments to Gen. Reidesel, I am most respectfully,

Sir,

your most obedient,
and humble servant,
F. BAUM.

P. S. The names of the men taken in arms are as follow: George Dunkan, David Slarrrow, Samuel Bell, John Bell, Matthew Bell.

Hugh More, a noted rebel, surrendered himself yesterday evening.

The express left Cambridge at four o'clock on the morning of the 14th of August.

General Burgoyne.

SIR, *Suncoick, 14th August, 9 o'clock.*

I have the honour to inform your excellency that I arrived here at eight in the morning, having had intelligence of a party of the enemy being in possession of a mill, which they abandoned at our approach, but in their usual way fired from the bushes and took the road to Bennington; a savage was slightly wounded; they broke down the bridge, which has retarded our march above an hour; they left in the mill about 78 barrels of very fine flour, 1000 bushels of wheat, 20 barrels salt, and about one thousand pounds worth pearl and pot-ash. I have ordered 30 provincials and an officer to guard the provisions and the pass of the bridge. By five prisoners taken here they agree that 1500 to 1800 men are in Bennington, but are supposed to leave it on our approach; I will proceed so far to-day, as to fall on the enemy to-morrow early, and make

such disposition as I think necessary from the intelligence I may receive. People are flocking in hourly, but want to be armed; the savages cannot be controuled, they ruin and take away every thing they please.

I am,
your excellency's
most obedient, and
humble servant,
F. BAUM.

Beg your excellency to pardon the hurry of this letter, it is wrote on the head of a barrel.

General Burgoyne.

Q. Is there any memorandum of Sir Francis Clark's marking the time when Colonel Brieman was ordered to march to support Colonel Baum?

[*Reads.*] "15th August, express arrived from Sancoick, ---at five in the morning, corps de reserve ordered to march.

"16th August, during the night express arrived from Sancoick, with an account of the repulse this evening of a detachment of ours on an expedition.

"Sunday, 17th August, the General went up to the 20th regiment, advanced on the road to Sancoick, and met the corps de reserve, the men of that expedition returning all day."

Q. Do you recollect what time of the day it was General Burgoyne met Colonel Brieman on his return on the 17th?

A. I think it was some time between one and three o'clock.

Q. Have you the instructions given by General Burgoyne to Colonel Skeene on that expedition?

A. Here is a copy of them. They are as follow:

Instructions to Colonel Skeene *upon his expedition to* Bennington.

SIR,

I REQUEST the favour of you to proceed with Lieut. Col. Baum upon an expedition of which he has the command, and which will march this evening or to-morrow morning.

The objects of his orders are to try the affections of the country, to disconcert the councils of the enemy, to mount the regiment of Reidesel's dragoons, to complete Lieutenant Col. Peters's corps, and to procure a large supply of horses, for the use of the troops, together with cattle and carriages.

The

The route marked for this expedition is to Arlington and Manchester; and in case it should be found that the enemy is not in too great force upon the Connecticut River, it is intended to pass the mountains to Rockingham, and descend the river from thence to Brattlebury. Some hours before the corps marches for Arlington, Colonel Peters with all his men are to set forward for Bennington and afterwards are to join at Arlington.

Receipts are ordered to be given for all horses and cattle taken from the country.

Lieutenant Colonel Baum is directed to communicate to you the rest of his instructions, and to consult with you upon all matters of intelligence, negotiation with the inhabitants, roads, and other means depending upon a knowledge of the country, for carrying his instructions into execution.

I rely upon your zeal and activity for the fullest assistance, particularly in having it understood in all the country through which you pass, that the corps of Lieutenant Colonel Baum is the first detachment of the advanced guard, and that the whole army is proceeding to Boston, expecting to be joined upon the route by the army from Rhode Island.

I need not recommend to you to continue the requisites of the service, with every principle of humanity in the mode of obtaining them; and it may be proper to inform the country, that the means to prevent their cattle and horses being taken for the future, will be to resist the enemy, when they shall presume to force them, and drive them voluntarily to my camp.

I have the honour to be, &c.

J. BURGOYNE.

Q. Is there any memorandum of Sir Francis Clark's of any intelligence received from Colonel St. Leger about this time?

A. There is, of the 12th of August.

[*Reads.*] "This morning received intelligence of an action near Fort Stanwix."

Q. After the failure of the expedition to Bennington, can you speak to the efforts made for forwarding provisions?

A. I know that very great efforts were made, both before and after. I understood that General Burgoyne and General Phillips had been both, at different times, at Fort George, to forward the provisions; and I believe, subsequent to the ill news from Bennington, the quarter-master-general (I mean Captain Money) was sent by General Burgoyne to Fort Edward,

ward, and, I believe, to Fort George, to collect all horses and teams possible, and to make every exertion to bring forward the provisions.

Q. Have you the calculations made by the commissary-general of the carriages and horses necessary, for different given quantities of provisions?

A. It is here—I believe it is the original.

[*For a Copy of this Calculation see the next page.*]

Q. Did the march of the artillery from Fort George to the bridge of boats over Hudson's River, interfere with the transport of provisions?

A. I have had many conversations with General Phillips, and the quarter-master-general, about the transports of provisions, and never remember to have heard from them, or any other person, that the march of the artillery interfered in any manner with the transport of provisions.

Q. About what time did the additional companies arrive?

A. The 3d of September.

Q. What was the state of the army when we passed the Hudson's River?

A. My return goes to the 1st of September. British fit for duty under arms, 2635 rank and file; Germans 1711.

The 300 additional did not join the army till the 3d of September, so that this return is exclusive of them.

Q. What was the strength of the artillery and Lieutenant Nutt's corps at that time?

A. I believe there was very little variation in either from the former return.

Q. Have you General Burgoyne's application to Sir Guy Carleton, for a garrison from Canada for Ticonderoga before he passed Hudson's River?

A. I have extracts from letters of General Burgoyne to Sir Guy Carleton, 11th July 1777, and 29th July 1777; they are as follow:

Extract of a Letter from Lieutenant General Burgoyne *to Sir* Guy Carleton, *dated Head Quarters at* Skenesborough-House, July 11, 1777.

I REQUEST your excellency to take into consideration the expediency of supplying from Canada a garrison for Ticonderoga. My communication will widen so much as I proceed, the drain upon the army for posts will be so considerable,

Calculation of the Number of Carts that will carry Provisions for the following Number of Men.

Number of Men for		1 Day.	2 Days.	3 Days.	4 Days.	5 Days.	6 Days.	7 Days.	8 Days.	9 Days.	10 Days.	11 Days.	12 Days.	13 Days.	14 Days.	15 Days.	16 Days.	17 Days.	18 Days.	19 Days.	20 Days.	30 Days.	60 Days.	90 Days.
10,000 Men,	Carts	38	75	113	150	188	226	263	300	338	375	413	452	490	526	564	600	638	678	716	750	1125	2250	3375
5,000 Men,	Carts	19	38	57	75	94	113	132	150	169	188	207	226	245	263	282	300	319	339	358	375	563	1125	1688
4,000 Men,	Carts	15	30	45	60	75	90	105	120	135	150	165	180	195	210	225	240	255	270	285	300	450	900	1350
3,000 Men,	Carts	12	23	34	45	57	68	79	90	102	113	124	135	147	158	169	180	192	203	214	225	338	676	1014
2,000 Men,	Carts	8	15	23	30	38	45	53	61	68	75	83	90	98	105	113	120	128	135	143	150	225	450	675
1,000 Men,	Carts	4	8	12	15	19	23	27	31	35	39	42	45	49	53	57	60	64	68	72	75	113	226	339
500 Men,	Carts	2	4	6	8	10	12	14	16	18	20	21	23	25	27	29	30	32	34	36	38	57	113	172

The above Table was made, allowing 3lb. Weight to the Ration, and 800lb. to the Cart Load.

NATHANIEL DAY,
Commissary General.

able, not to speak of detachments and safeguards to protect and awe the country, that if that first diminution is not replaced, my effective strength may become inadequate to the services intended. My present inelligence is, that Putnam is collecting an army to oppose me at Saratoga. Fort Edward is also talked of to sustain a siege.

Your excellency, I am sure, will agree with me, that Ticonderoga, or some other forti ed post on the south part of the Lake Champlain, ought to be considered on the frontiers of the province of Canada. I am aware of the difficulties that arise from the manner in which the secretary of state's orders are penned; but I submit to your excellency whether, under the principle laid in the beginning of the order, and afterwards repeated, *that three thousand men were held sufficient for the defence of that province*, you would not be justified in sparing, for the purpose of this garrison, the overplus of the 3000 that may remain after completing my army?

And, notwithstanding the corps for the Canada service are precisely named by the secretary of state, I would further submit, whether, upon my pressing requisition, the garrison might not justifiably be furnished by detachment, even though there were no overplus, under the following words of the order, *after having secured to him* [Lieutenant-General Burgoyne] *every assistance which it is in your power to afford and procure*. Your excellency's zeal for the service, and favour towards me, will be better interpreters for the latitude I propose than any thing I can further suggest; my present purpose is to get a sufficient number of gun-boats on the Lake George, to scour that lake as expeditiously as possible; to support them with a proper force; to attack Fort George on that side, while, with the main of the army, as soon as refreshed and supplied, I attack Fort Edward from hence, and thereby cut off the communication from Albany to Fort George, and consequently prevent the succour or retreat of that garrison.

Extract of a Letter from Lieutenant-General Burgoyne *to Sir* Guy Carleton, *dated Head-Quarters near* Fort Anne, July 29, 1777.

THE construction your excellency puts upon the orders of the secretary of state, is too full and decisive for me to presume to trouble you further upon the subject of a garrison for Ticonderoga from Canada. I must do as well as I can; but I am sure your excellency, as a soldier, will think my situation

tuation a little difficult. A breach into my communication must either ruin my army entirely, or oblige me to return in force; to restore which might be the loss of the campaign. To prevent a breach, Ticonderoga and Fort George must be in very respectable strength; and I must, besides, have posts at Fort Edward and other carrying places. These drains, added to common accidents and losses of service, will necessarily render me very inferior in point of numbers to the enemy, whom I must expect always to find strongly posted. I ask pardon for dwelling so much upon this subject, and have only to add my request to your excellency, to forward the additional companies as expeditiously as may be.

Q. Was there any considerable alteration in the strength of the army between the return of the 1st of September and the action on the 19th?

A. There was a skirmish or two, but the loss was not material in that interval.

Q. In the course of the service did you ever know an instance of a day of action where there was not some deductions from the effective strength, upon paper, for baggage guards, care of the sick, bat-men, and other indispensable regimental contingencies?

A. I apprehend there must always be deductions of that sort.

Q. In the service of our campaign was there not a considerable additional deduction for the care and defence of the batteaux and moveable magazines?

A. It must of course make an additional drain from the army.

Q. Was not all we had of the 47th regiment appropriated to that particular service?

A. It generally was---I believe always so.

Q. These deductions considered, about what number do you compute the British line to have consisted of the day of the action of the 19th?

A. I believe the four regiments of the line engaged that day, amounted to little more than 1100 men on the spot under arms in the action.

Q. What loss did the British sustain in that action?

A. Killed, wounded, and prisoners, rather more than less than 560.

Q. Can you speak particularly to the loss of the line?

A. I believe about 76 killed rank and file, and between 240 and 250 wounded, and about 28 or 30 missing and prisoners.

Q. Do you recollect the strength of the 20th regiment when they made their last charge on the enemy?

A. I do very well: I was by General Phillips when the orders were given for that charge; he was then in the front of the line; the ranks appeared to be very thin; the regiment were much fatigued with the length of the action, but moved on to the charge with spirit.

Q. Do you remember General Burgoyne going up to the 62d regiment immediately after the firing ceased, and the report that was made to him by the commanding officer of the state of that regiment?

A. I remember it, and the officer reporting the great loss they had sustained in the action: I saw them, and they appeared to be very considerably reduced in number.

Q. Do you remember the officer mentioning that they had not above 50 or 60 men in the regiment?

A. I can't speak positively to that; but in my own judgment they did not exceed that number.

Q. Were not both the field officers wounded?

A. Colonel Anstruther and Major Harnage were both wounded, and a great many other officers killed and wounded, and the regiment suffered greatly.

Q. To what degree did the men of the artillery suffer in that action?

A. I think, but am not quite certain, that the number that were with four guns amounted to 48: I saw Captain Jones, who was a very gallant man, and commanded those four guns, killed, and some other officers wounded, and I believe about 36 of the men were killed and wounded, I should, in justice to the artillery, say, that I think it is not in the power of men to keep a better fire, both of round and grape-shot, than was successively maintained for several hours that day.

Q. From your experience in the service, do you conceive it would have occurred to any officer to engage troops, if he could possibly avoid it, in the situation in which the British line was the day after that action?

A. The experience of an officer of my inferior rank does not lead to much; but I should have been sorry to have given orders to those regiments, after the gallant sufferings of that day, to have attacked an army, reported both from our spies and our prisoners to be very near, if not more than four times the number of our whole force: add to this, the country was a very thick wood, and the situation of the rebel camp, I believe, could not, by any means, be reconnoitered within *that* space of time.

Q. Do

Q. Do you remember General Burgoyne receiving a letter from Sir Henry Clinton, the day but one after that action, informing him, that he intended about that time an attack on Fort Montgomery?

A. I do remember his receiving a letter from Sir Henry Clinton about that time; it was the 22d of September.

Q. Do you imagine that any officer, knowing of that letter, would have entertained thoughts of immediately renewing an attack upon the enemy?

A. As far as an opinion of an officer of my inferior rank goes, I should not have thought of it: nor did I hear any officer of any rank express such an idea at that time.

Q. From what you knew of the country did you not believe that a successful attack from Sir Henry Clinton, during the time we lay at that camp, would either have dislodged General Gates entirely, or have obliged him to detach considerably from his army?

A. I remember our scouts giving information, that a bridge was laid over the Hudson's river, very near the enemy's camp; and it was the opinion of some very confidential men that were employed in that army in that capacity, and were much under the direction of General Fraser, that on the approach of Sir Henry Clinton's army, the army of Mr. Gates could not stand us, but would cross the river and go towards New England: whether this idea was right or wrong I cannot tell.

Q. Did you ever hear such persons, or any others, express an idea that the enemy would have taken the same measure on our advancing to attack them, without that co-operation?

A. I don't remember to have heard any such thing.

Q. Do you imagine that any officer, knowing of Sir Henry Clinton's letters, would have thought it proper to retreat after the action of the 19th of September?

A. I never heard any officer express an idea of that sort. I don't know what officers might be within the knowledge of such a letter; but I lived intimately with General Fraser, General Phillips, and with Mr. Twiss, the engineer; whether the letter was in their knowledge or not I don't know; but I never heard them express such an idea.

Q. Did you ever hear any officer of that army, though unacquainted with the letter, before or since the time, express a disapprobation of the measures of remaining in that camp, without either attacking or retreating?

A. Neither then nor at any time while I remained in America, and of course not since.

Q. From

Q. From your conversation with the chief engineer, and from other circumstances, have you reason to know that every possible means were used, after the action of the 19th, to obtain a knowledge of the ground on the enemy's left?

A. I had frequent conversations with the chief engineer on that subject; I believe his attention was given to that point almost every day, and a knowledge of that ground I understood was very difficult to be obtained.

Q. Was not the right of the enemy deemed impracticable?

A. I had no opportunity myself of seeing the right of the enemy, but I understood, from others, that the position was too strong to be attacked with any prospect of success.

Q. Were there not frequent consultations held between General Burgoyne, General Phillips, and General Fraser, previous to the movement up to the enemy on the 7th of October?

A. I understood there was scarce a day passed without such consultation; I believe no day after the action of the 19th.

Q. Did you conceive that the chief purpose of that movement was to attain a knowledge of the left of the enemy's position, and, if expedient, to attack them there

A. I understand it was.

Q. Did it appear to you that the force left in camp under General Hamilton, was more than sufficient to keep the enemy in check?

A. I don't think it was.

Q. From the intimacy and confidence in which you lived with General Burgoyne and General Fraser, do you imagine any disagreement of opinion could have subsisted between them without your knowledge?

A. I think I must have heard it.

Q. Do you know any instance, but more especially respecting the periods of passing the Hudson's river, the action of the 19th of September, and that of the 7th of October, wherein General Fraser expressed a disapprobation of General Burgoyne's measures?

A. I do not: but I would beg leave to observe that, upon the plan to Bennington, General Fraser had expressed a different opinion with respect to employing the Germans; at the time of passing Hudson's river, and after it was crossed, I had a great deal of conversation with General Fraser; he seemed to express satisfaction in the manner in which the troops had passed.

Q. In

Q. In the action of the 7th of October, after the German troops, on the left of the artillery, had given way, did you observe General Phillips and General Reidesel in person?

A. I was with General Phillips at different times, and I saw General Reidesel more than once; they were both very active, and exerted themselves very much to form the broken troops, and to make the retreat as regular as the circumstances would permit.

Q. What was the last time you saw Sir Francis Clarke in that action, and do you know what orders he was carrying?

A. It was after the retreat was become very general: Sir Francis Clarke asked me if I had given any orders to the artillery to retreat; I told him, that, as there was a major-general of the artillery in the field, who was confessed by the army to be a very excellent officer, I would not take on myself, as adjutant-general, to give orders to any part of the artillery. Sir Francis Clarke told me, that a disposition had been made for a general retreat, and he was going with orders from General Burgoyne to bring off the artillery. About the instant we were parting a very heavy fire came upon us from the enemy, and I have since reason to believe Sir Francis Clarke received his wound at that time.

Q. On the day of the 8th do you remember the enemy forming a line in the meadows, and making a demonstration of attacking us?

A. I do remember it very well, and that there was a great deal of cannonading from the enemy.

Q. Do you remember also a cannonading in the afternoon, about the time of General Fraser's funeral?

A. I think I shall never forget that circumstance. General Fraser, I understood, had desired to be buried privately in one the redoubts that had been raised for the protection of our magazines and stores: as the corpse was passing by, General Burgoyne, General Phillips, and, I believe, General Reidesel, and several other officers, out of respect to General Fraser's memory, and to do him honour in the eyes of the army, notwithstanding his request, attended his funeral into the redoubt; the enemy were, in this instance, I thought, very defective in point of humanity. They pointed a gun or two at that very redoubt, and kept up a brisk cannonade during the whole of the funeral service, which was performed, with great solemnity, and very deliberately, by Mr. Brudenel, the chaplain.---I never saw so affecting a sight.

Q. Do you remember, on the march to Saratoga, seeing a corps of the enemy at work on the plain of Saratoga?

A. I do very well; a working party, and what appeared to be a battalion or more, drawn up as a covering party.

Q. Was that the corps that afterwards took post on the opposite side of the river?

A. I believe it was the same corps I saw afterwards passing the ford.

Q. After the arrival of the army at Saratoga, was Lieutenant Colonel Sutherland detached with a command to cover a party of workmen to repair bridges and roads, in order to continue the retreat on the west side of the river?

A. He was ordered with a party to repair bridges and roads on the west side.

Q. Do you remember on what account Colonel Sutherland and his party were recalled?

A. I believe it was on information by our scouts that the enemy were preparing to attack us in great force.

Q. Have you farther reason to know that a general attack on that day was really intended by the enemy?

A. There was a particular caution sent round to all the troops to be prepared for that attack, as it was expected it would be attempted under cover of a very thick fog then prevailing. After the convention had taken place, a general officer in the rebel service acquainted me, that such an attack was intended; and from information, I believe from deserters or from their own scouts, that our army was exceedingly well prepared to receive them; that they would be very much exposed when they came on the plain to our artillery; he not only retreated with his command, but sent word to another general officer to retreat also: the other general officer was his senior, but he had taken that upon him, from the fear of the consequences of such an attack, of which he sent word to General Gates, who approved and confirmed his orders.

Q. Previous to the council of war, to which the field-officers were called, do you remember it being determined, in council of the generals, to try a night's march, abandoning the carriages and baggage, and orders being given for the delivery of as much provisions as the men could carry?

A. I do remember such a determination very well.

Q. What prevented the execution of it?

A. I understood there were such difficulties in getting out the provisions, that the delivery of the necessary provisions could not be accomplished.

Q. Had

Q. Had we intelligence the next day from different scouts that the enemy was in possession of the country in force on both sides the Hudson's river, between us and Fort Edward?

A. I understood, from some of the scouts that we had been accustomed most to depend on, that the enemy were so posted.

Q. Have you reason to know, that the intelligence General Burgoyne stated to the council of war on this subject, was true?

A. I was assured by one of the general officers who conducted us towards Boston, that troops of theirs were in the position that our scouts had given us information of.

Q. Did you learn at the same time, at what period those posts were taken up by the enemy, whether before or after our arrival at Saratoga?

A. I have extracts from minutes made at that time, from the mouth of the general officers I mentioned.

[*Reads.*] "When the King's army was returning to Saratoga, a brigade of 1500 men were posted on the east side of the Hudson's river to dispute the ford, and 2000 men more were posted between us and Fort Edward, on the same side of the river;" 1400 men more were posted also opposite to Saratoga, a little above the other party I mentioned before, to prevent our passing the Hudson's river: 1500 of those I have mentioned were posted on or before the 5th of October; the others, I remember very well now to have heard, were posted previous to the 7th of October.

Q. Have you an extract of the last council of war, at which the field officers assisted?

A. The extract is true, excepting the names of the officers and the votes they gave. I have the original paper, with the names of the officers that composed the council, and, I believe, their opinions.

The extract produced, and is as follows:

Extract from the Minutes of last Council of War, excepting the Names of the Officers and the Votes they gave.

QUESTION.

General Gates having, in answer to General Burgoyne's message, given a solemn affirmation on his honour, that no detachment has been made from his army during the negotiation of the treaty, is the treaty in its present situation

binding on this army, or is the general's honour engaged for the signing it?

[*Here follow the names of the officers as they voted.*]

The lieutenant-general's opinion being clear, that he is not bound by what has passed, he would not execute the treaty upon the sole consideration of the point of honour, notwithstanding the respectable majority against him. He is likewise far from being convinced that this army, by great exertions, and by great enduring in point of provisions, might not yet be relieved, but he is compelled to yield on the following considerations:

The treaty was generally thought a most advantageous one before the intelligence arrived; that intelligence is refuted, and ocular demonstration of its falsity pledged, as far as relates to General Gates's force; the other parts are only founded on hearsay, and not to be depended upon.

Should General Clinton be where reported, yet the distance is such as to render any relief from him improbable during the time our provisions could be made to last.

——— declares his post untenable, and says, if this convention is not signed, he apprehends there will be considerable desertion.

——— says, he thinks the 47th regiment not to be depended on.

——— is of the same opinion.

——— thinks the 62d regiment is disheartened by the situation of their post, and not equal to their former exertions.

Several officers think the men in general seem to have got the convention in their heads as desireable.

Many of the best officers are absent by sickness and wounds from all the corps.

Though the other officers at the head of British corps, think they can answer for the spirit of their men if attacked on their present ground, it is evident, the most sanguine do not think any part of the army in that elevation and alacrity of spirit necessary for undertaking desperate enterprizes.

To break off the treaty now, renders a future renewal of it hopeless, as our condition must every hour grow worse.

A defeat is fatal to the army; a victory does not save it, as they have neither provisions to advance nor retreat against an enemy, who, by experience, we know are capable of rallying at every advantageous post.

And

And that the life and property of every provincial and dependent of this army depends upon the execution of the treaty.

I apprehend that, when the officer said the 47th regiment was not to be depended on, he meant that they were reduced so low and so weak, that they were not capable of very vigorous exertions, but nothing that implied a want of spirit to endure as much as they were able.

Q. Did you ever hear of a proposal made by Gen. Phillips, to make a way from Saratoga to Ticonderoga with a body of troops.

A. Never with a body of troops; but I remember to have heard General Phillips make an offer, which I thought a very spirited one, to risk his life in attempting, with one or two of our best guides, to find a passage to Ticonderoga, and do his utmost for the defence of that garrison, as an artillery officer, should the enemy attack that fortress after the convention should take place.

Q. Have you the return of General Gates's army, signed by himself?

A. I have, but have forgot to bring the original; I have the extract.

[*Reads.*] "Copy from General Gates's return, from his camp at Saratoga, 16th of October, 1777.

Brigadiers - -	12
Colonels - -	44
Lieutenant-colonels -	45
Majors - -	49
Captains - -	344
First Lieutenants -	332
Second Lieutenants -	326
Ensigns - -	345
Chaplains - -	5
Adjutants - -	42
Quarter-masters -	44
Pay-masters - -	30
Surgeons - - -	37
Mates - - -	43
Serjeants - -	1392
Drummers - -	636
Present, fit for duty -	13,216

I understand these last are rank and file, because the others are mentioned before.

Sick present - -	622
Ditto absent - -	731

On command	-	-	3875
On furlough	-	-	180

I believe that the men on command were explained to me by General Gates, to have been detached from his army, in the rear and upon the flanks of the King's troops, previous to the convention.

Q. Do you apprehend, that that return includes the corps that were on the other side of the Hudson's river, immediately opposite to Saratoga?

A. I do recollect the name of one of the general officers who was on the other side of the Hudson's river included in Mr. Gates's return, and, therefore, I imagine the men under his command are included also. When I say one, I do not mean to have it understood, that the other two general officers, the one who was stationed with a party opposite to Saratoga, and the one who was stationed on the same side of the water, between us and Fort Edward, are not also included in General Gates's return.

Q. Do the returns, to which you referred, of our army, state the effective strength at the time of signing the convention?

A. They do state the rough number, collected at that time, of men present and under arms.

Q. State the numbers.

A. The British army appeared to have been 1905
Germans - - 1594

I can't be answerable for the correctness of those numbers, as they were taken in a great hurry.

Q. Can there possibly be a mistake of many hundreds?

A. I can state from a monthly return of the first of November, fit for duty,

British	-	2086	} Rank and file.
Germans	-	1633	

There might be people recovered from their wounds, who were discharged from the hospital and had joined their corps, or there might have been a mistake in the return just before the convention, in the confusion of the army at that time.

Q. Do you remember what passed respecting the military chest, while the treaty of Saratoga was depending?

A. I do remember that it was strongly recommended to the commanding officers of corps, to take sums of money from the pay-master-general, on account of subsistence then due to their regiments; and I believe a great deal of money was so distributed, and regularly accounted for to the pay-master-*general on the* subsequent settlement of the pay of the army.

Q. What

Q. What became of the rest of the money in the military chest?

A. It was taken by the pay-master-general to Albany.

Q. Did any part of it fall into the hands of the enemy?

A. Not a shilling that ever I heard of.

Q. Was any proportion of it lost, embezzled, or secreted?

A. If any such thing had happened, I think the pay-master-general would have applied to me immediately. Never having heard, then nor at any time after, of any loss having been sustained, I do not believe there was any loss suffered in the retreat or after it.

Q. Was the secret-service account, during the campaign, kept by you?

A. It was.

Q. Could you produce the several articles of that account if called on for it?

A. I have either a copy of it at home of my own, or from the pay-master-general.

Q. Did General Burgoyne ever appropriate any part of that expenditure to the extraordinaries of his own expences, or to any other purpose of his own use?

A. Never that I know of.

Q. Must not you have known it if it had been so?

A. Certainly.

Q. Were there not occasions where General Burgoyne paid, from his own purse, expences that, in the opinion of others, he might have been justified in placing to the public account?

A. I remember to have been told by other gentlemen, that expences of that sort General Burgoyne had been at ought to have been charged in that manner.

Q. What was the nature of those expences?

A. They were presents to people who had distinguished themselves, and in acts of charity to women who had lost their husbands, and other occasions, which it was very proper for a general officer to give, and very proper to put in a public account.

Q. Had not General Burgoyne, from his situation, all the expences attending a commander in chief?

A. He certainly had, from being obliged to keep a public table for the entertainment and refreshment of officers and others coming to head-quarters on duty or business; and, I know those expences to have been very great, from the exceeding high price of all the articles of life in that part of the world,

Q. Did General Burgoyne ever receive more than the appointment of a lieutenant-general?

A. Never.

Q. Was there not a board of general officers appointed at Cambridge to inspect all the accounts of the campaign; and did not General Burgoyne regulate the payment of the battalions by the report of that board?

A. There was such a board, and the payments were regulated according to the report of that board.

Q. Upon the whole of what you know of General Burgoyne's receipts and expences, do you believe he was in his own purse a gainer or a sufferer in the campaign 1777?

A. I really believe his appointments were not equal to his expences in that campaign.

Examined by other Members of the Committee, and by General Burgoyne *occasionally.*

Q. What were the numbers of the effective British at the opening of the campaign 1777, including officers and non-commissioned officers?

A. I have not those returns, but they were sent to the commander in chief, and my extracts are for the rank and file.

Q. Can you answer that question with respect to the Germans?

A. My extracts are the same, both for the British and the Germans.

Q. What was the greatest number of provincials in the army at any time in the campaign?

A. I believe the only question that has been asked respecting them, was at the beginning of the campaign; they were then 83; on the 1st of September they amounted to about 680, which was the greatest number they ever amounted to.

Q. What do you mean by provincials?

A. I understand them to be inhabitants of that country, assembled under officers, who were to have had different commissions, provided they had ever amounted to certain numbers.

Q. Do you include Canadians under the name of provincials?

A. I believe, in the former part of my evidence, the Canadians were stated to be 148, and distinguished from the priyincials.

Q. Was

Q. Was General Burgoyne's second order of the 12th of July, relating to the baggage, strictly complied with?

A. I conceive it was the duty of the commanding officers of regiments to enforce an observance and obedience to the general's orders.

Q. Was it actually enforced in such a manner to the degree you thought it should have been.

A. I am not quite positive whether there was not another order issued afterwards.

Question repeated.

A. I never had any report made to me by a commanding officer of any corps of that order not being complied with.

Q. What was your own ocular observation of the quantity of baggage carried with the army, and did it appear to you that that order could have been fairly complied with?

A. I own I don't recollect, not hearing any complaint nor attending to it. The quarter-master-general of the army must naturally know more of the baggage than the adjutant-general

Q. Do you know what allowance of waggons was made to a regiment?

A. I don't recollect any waggons that we had to allow.

Q. Was none of the baggage brought down in wheeled-carriages?

A. Several officers, I believe, brought waggons and carts of the country people for their own use; but I do not remember any of the King's carts or waggons being appropriated to the carriage of officers baggage. It might be, but I don't recollect it.

Q. Can you say, in a general way, how many horses might be employed in carrying the baggage of the army, including officers horses?

A. I never had any information upon that subject; it did not belong to my department, and I had much business on my hands.

Q. How was the regimental baggage carried?

A. I believe chiefly in batteaux.

Q. How was it carried when there was no water-carriage?

A. I can't speak to that point, having had no information on that subject; and, when I speak of batteaux, I speak generally, having had no information on the subject.

Q. Can you say, in a general way, how many women attended the army?

A. I

A. I had really so much to do that I had not much leisure to pay much attention to the ladies, and I know very little of their beauty or their numbers.

Q. Would not the feeding of 2000 women be a considerable object with respect to the provisions of the army?

A. I should have been very sorry to have had 2000 women to have experienced that.

Q. How many women were there if not 2000?

A. I would wish to give the House every information in my power, when I can speak with any degree of accuracy or tolerable guess. I have seen the commissary of provisions return, and I think the number of women returned, as victualled from the stores, was very few.

Q. Do you think a corps of dragoons mounted would have been of a great use to the army?

A. I own, I very much wished that those few dragoons we had could have been mounted; because, though in that part of America that I saw, they might not have been necessary or useful to have made a charge, I think those light dragoons might be always applied to very useful services.

Q. How many had you of those dragoons?

A. They are included in the strength of the Germans, and I really do not remember their particular number.

Q. If none, or less of the park-artillery had been brought forward, would there not have been horses to have mounted those dragoons?

A. I believe there might have been horses enough taken from the artillery, or from the provision-train, to have mounted those dragoons, if it had been thought more expedient to have employed the horses in that manner; but they were hired, or contracted for, for the special purposes of carrying provisions and bringing on the artillery, and never meant by the persons who furnished the contract for the dragoon service.

Q. If a smaller quantity of baggage had been carried, might not the officers have spared some of their baggage-horses for mounting the dragoons?

A. I never met with an officer who had horses to spare. I know Sir Francis Clarke and myself wished to buy horses to carry our own servants, cared very little what expence we were at, and yet I could not obtain any.

Q. Do you know of any corps or party finding their way back to Canada?

A. I

A. I never heard of any corps finding its way there, and I understood from the guides who were with us, previous to the convention taking place, that if that was attempted, we must break into small parties and go by what is called Indian paths.

Q. Supposing there was a small party that found its way to Canada by Indians paths, do you think it would have been possible for an army to have done the same?

A. My idea of that must be founded upon the report of those guides, who had served us very faithfully as scouts upon former occasions, and who informed me, that we must break into very small parties to have any chance of making our way through the woods to Canada: and I remember, that when General Phillips offered to attempt to find his way to Ticonderoga, it was talked of and looked on to be as desperate as gallant.

Q. If any party did make its way to Canada, do you not suppose it to be that party of provincials that ran away while they were employed to repair roads, and that were never heard of afterwards?

A. I remember some were reported to have run away who were making roads, and it is likely to have been that party.

Q. When you mentioned the highest number of provincials, did you mean that they were all armed?

A. I know they were not all armed, we had not arms for them.

Q. Of those that were armed, some respectable persons excepted, were they much to be depended upon?

A. A very great part of them were such as I should have placed very little dependence upon.

Q. Before the army left Canada, was there not a strict order that not more than three women of a company should be suffered to embark?

A. I do know there was such an order issued, and I never heard any complaint of its having been broke through. I don't recollect the date of that order, or I would have turned to my book and stated it to the House upon the first question relative to the number of women that were employed in our expedition.

Q. Is it not the custom in all armies, victualled from the King's stores, to prohibit the delivery of provisions to any women over and above the number allowed by order?

A. It

A. It was customary in all places where I served in the last war, and very strong and peremptory orders were given on that subject to the commissaries in our army.

Q. Do you not then believe, that all women who followed your army were fed from the ration of the men they followed, or found their provisions in the country?

A. I remember, upon asking the commissaries, how there came to be so few women in the provincials returns, I was told that it was the custom for them to be supplied from the men's rations.

Q. Were the women conveyed on baggage carts or horses, or did they walk afoot?

A. I never heard of the women being conveyed on baggage carts or the King's horses.

Q. If the women neither employed the King's horses nor consumed his provisions, do you think they were more of impediment or comfort to the King's troops?

A. I never understood, from my conversation with the commanding officers or others, that the women were any impediment.

Q. If, after the taking of Ticonderoga, there was any doubt in the army in which you served of their being able to reach Albany?

A. I don't remember to have heard any doubt expressed upon that subject, meaning soon after the taking Ticonderoga.

Q. Was it generally understood in the army that it was well supplied with all the necessaries, appointments for war, and articles proper for forwarding the expedition to Albany?

A. I always understood that the army had been very well provided with every thing.

Q. Do you believe, if the secretary of state had ordered the army under General Howe to co-operate with the army under General Burgoyne for the North River, with a view to have formed a junction of the two armies, that the disaster which befel General Burgoyne's army could have happened?

A. If a junction could have been formed, I should apprehend that Mr. Gates's army might have been dislodged, and that the misfortune at Saratoga would not have happened. This is only matter of opinion.

Q. Do you apprehend, that if the army under Sir W. Howe had operated in the North River with a view to effect a junction, that such a junction would have taken place?

A. I

A. I had an opinion while in America, that if the expedition which came up the Hudson's River, under General Vaughan, could have been there about the time of our action of the 19th of September, that Mr. Gates would have found it difficult to have kept his army together if he had not crossed over the Hudson's River towards New England. But this is mere matter of private opinion.

Q. If you are of opinion, that the troops under General Vaughan would have had so powerful an effect, even so late as September, what effect do you suppose the whole army under Sir William Howe, assisted by all the fleet and craft, would have had as early as the beginning of July, immediately after the impression which took place among the enemy after the defeat at Ticonderoga?

A. I did not know what force there was under the command of General Vaughan, nor do I even now know? but I should think most certainly that a great army upon the Hudson's River, near Albany, would have contributed very much to our making our way to Albany.

Q. Have you ever considered what were the causes of the failure of the expedition under General Burgoyne, and to what do you impute it?

A. I looked upon our force not to be equal to the forcing our way to Albany without some co-operation.

Q. Where then did you expect that co-operation?

A. I had no where to expect it from but up the Hudson's River from New York, and the success of Col. St. Leger's expedition would have been of use certainly.

Q. If General Washington's army had not been diverted, would it not have impeded or stopped the progress of any army upon the Hudson's River?

A. I dont't know the strength of General Washington's army, nor the nature of the country between Albany and New York, and therefore I cannot form any judgment of what would have happened.

Q. Are you not of opinion that there are very strong passes or posts on that river?

A. I found them very strong between Ticonderoga and Albany; and from the reports of military men of high reputation in the service, I have understood there were many very strong posts between New York and Albany.

Q. From whence is the account of the strength of Mr. Gates's army taken?

A. From

A. From a return voluntarily given by General Gates to me, for my own satisfaction, when at Albany; and that return was signed by General Gates.

Q. Have you that return?

A. I gave it to General Burgoyne: I saw it to-day: he has it.

Q. Was it by the consent of General Gates that the soldiers, after the convention, retained their cartouch-boxes?

A. They retained their belts, and I really don't recollect whether their cartouch-boxes were in general retained or not; but talking with Mr. Gates, when the King's troops marched by with the accoutrements on, Mr. Gates asked me (we had been old acquaintance formerly), whether it was not customary on field days for arms and accoutrements to go together? I told him there was nothing said in the convention that I had agreed to with him, relating to the accoutrements, and that he could have no right to any thing but what was stipulated in that treaty. He replied, "You are perfectly right," and turned to some of the officers in their service by, and said, "If we meant to have had them we ought to have inserted them in the convention."

[*Withdrew.*

General *Burgoyne* gave notice, that his evidence was now closed, unless he should find it necessary to call witnesses to facts which might be controverted on the other side. Adjourned to the 5th.

June 5.

No debate. Adjourned to the 7th.

June 7.

No Debate.

June 8.

The House in committee on American papers, F. Montagu, Esq. in the chair.

The chairman mentioned, that he had received from Lieutenant-colonel Kingston, the last witness examined, General Gates's original return, and also another original letter from Colonel Baum.

General *Burgoyne* informed the committee, that he knew them to be the originals, and the said papers were ordered to be made part of the minutes.

They are as follow:

Return

October 20, 1777.

Brigades.	Officers Present.													Non-commissioned.		Rank and File.					
	Commissioned.								Staff.												
	Brigadiers.	Colonels.	Lieutenant Colonels.	Majors.	Captains.	1st Lieutenants.	2d Lieutenants.	Ensigns.	Chaplains.	Adjutants.	Quarter Masters.	Pay Masters.	Surgeons.	Mates.	Serjeants.	Drums and Fifes.	Present, fit for Duty.	Sick, present.	Sick, absent.	On Command.	On Furlough.	Total.
Brig. Gen. Nixon's	1	3	4	3	27	25	28	24	1	4	4	2	4	3	104	52	1257	55	87	73	9	1481
Poor's	1	2	5	4	24	23	26	28	1	3	3	4	3	5	110	58	1132	48	64	61	11	1316
Learned's	1	4	3	4	26	21	23	30	1	4	3	3	2	4	121	54	1498	57	51	44	8	1658
Glover's	1	3	5	4	30	26	23	27	1	3	4	4	4	3	120	58	1776	69	94	86	23	2048
Paterson's	1	4	3	4	28	22	24	26	0	3	3	2	3	4	108	49	1255	61	77	53	12	1458
Warner's	1	5	4	3	24	27	22	26	0	1	2	3	2	3	96	40	1572	95	83	68	32	1850
Stark's	1	3	3	4	27	30	24	22	0	3	4	2	4	2	101	48	220	25	32	1019	7	1303
Bailey's	1	4	4	2	28	26	22	24	0	2	2	1	2	3	93	37	897	30	23	48	13	1011
Whipple's	1	3	2	4	24	27	23	25	1	4	3	2	3	2	104	49	112	18	21	897	27	1075
Brickett's	1	2	4	3	26	23	27	30	0	2	2	1	1	2	83	37	776	21	37	31	4	869
Fellows's	1	4	2	4	22	26	24	28	0	3	4	2	3	4	113	51	132	40	31	884	10	1097
Woolcut's	1	3	2	3	20	23	21	25	0	2	3	1	2	1	96	47	843	27	24	38	7	949
Ten Broek's	0	4	2	3	24	22	27	30	0	2	4	2	1	3	105	44	987	54	65	553	14	1673
Artillerists	0	0	1	1	6	5	5	0	0	1	1	1	3	2	22	12	438	17	25	8	2	490
Cavalry	0	0	1	3	8	6	7	0	0	2	2	0	0	2	16	8	321	5	7	12	1	346
Total	12	44	45	49	344	332	326	345	5	42	44	30	37	43	1392	636	13216	662	731	3875	180	18624

N. B. Exclusive of the Numbers in the above Return, there are the Upper Staff of the Army, the Batteaux Men, the Artificers, and Followers of the Camp.

Colonel Morgan's Corps of Riflemen, and the Light Infantry, are included in the Brigades.

HORATIO GATES,
Major-General.

SIR,

SIR, *Willomscock, August* 15, 1777.

I HAD the honour of writing to your excellency, and to General Fraser, this morning, at four o'clock, acquainting you of the disposition I had made, as well as of the situation of the enemy, to which I take the liberty of referring; since when I received intelligence from two men who live on the spot the enemy occupy, it is a strong post which commands a long defile on the road to Bennington: those men declare to have seen yesterday 300 men, who were retreating as my corps advanced, when they were reinforced by 800 men from Bennington. They likewise report we were not a mile distant from the 300 men, when they met with this reinforcement; they mention that all the militia they could get together were at Bennington, and that they expected more to come in, having sent about an hundred miles round for that purpose; many refuse to take arms, wishing to reap their corn and secure their harvest; the inhabitants come in very fast, but want arms. Those accounts have been confirmed by faithful inhabitants sent by Colonel Skeene, who he sent to Bennington, and who fortunately returned.

Your excellency desires to know whether the road is practicable for a large corps with cannon? In consequence I have the satisfaction to inform your excellency that it is good, excepting two or three places which might be rendered equally so by felling a few trees and filling up some holes, which from the constant rain probably have made them worse.

I should be happy to fulfil your excellency's wish, as it is a desirable circumstance to be in possession of Bennington; but as the enemy have collected their force, and from their countenance must have had intelligence of ours, would not think it adviseable to risk a repulse, but have secured my post as advantageously as possible; the enemy think Bennington their only resource, as the country around depends on its fate, I therefore will wait your excellency's instructions.

I have read your excellency's orders, relative to the cattle, carts, waggons, flour, wheat, &c. to Colonel Skeene; he is so good as to take this department to himself; and to his honour, has been very active and zealous on this head and in every other respect equally so.

I have communicated to the gentleman commanding the Canadians and Savages, your desire relative to the horses, which they will take particular care to comply with. I have the honour to be most respectfully,

your excellency's most obedient
and humble servant, F. BAUM.

This

This instant I received a note from Sir Francis, acquainting me that your excellency has been so good to order Lieutenant Colonel Brieman's corps to join.

Mr. Forster, with about ninety volunteers have come in armed, except about thirty: this gentleman is from Hosack.

I beg to repeat to your excellency that the Canadians and Savages want ammunition; and the other volunteers equally want arms.

The enemy have attempted to force our advanced post, but were repulsed on firing the cannon; and at times are throwing up some works about half a mile.

Lord *George Germain* rose to open the evidence in favour of administration. He begged the committee would understand that his object was by no means to accuse any gentleman, but to defend ministers and himself from the reflections thrown out against them for their management of the American war. The evidence of General Gray, if not overturned, would certainly bear hard against administration; but he trusted that when gentlemen would consider that the general had been only one year and five months in America, and that he had seen no more of the country than what lies between the head of Elk and Philadelphia, and between that city and New York, they would be of opinion that, however high General Gray stood in his military profession, and no officer stood higher, he had certainly formed a very light and hasty judgment of the people. Gentlemen would believe his opinion of the unanimity of America rather hastily founded, when he should produce evidence to prove that a very considerable part, if not a majority of Americans, were friends to Great Britain. This would appear the more striking, when the committee should find that there were actually regimented in our service, more Americans than were to be found at present under the rebel commander in chief. The committee would receive farther light upon that point, by proofs, that we can raise men in America for five or six dollars a piece, while the Congress could not get recruits under 266. The evidence he had to produce, not having been very lately in America, could not prove the latter sum to be the sum given in their time in America; it was then somewhat short of it; but the last dispatches he had received made the bounty given by the Congress to recruits amount to 75l. sterling. Evidence should be brought to prove, by presumption, the disaffection of the people to their new government; from this

circumstance, though Congress had once expected to take the field with 50,000 men, and had actually voted that number; yet they had never been able to muster more than 29,000 in one army.

With regard to the adequacy of the force sent out, his Lordship had no doubt about it: the force in his opinion had been adequate, not to the reduction of America united against us, for such a reduction would be impossible, but to the reduction of rebellion. He had said once before, and repeated it again, that he did not understand the object of the southern expedition by the capes of Virginia. If the general had landed in the Delaware at Newcastle, and that his favourite route to Philadelphia had been by the head of the Elk, he would have had, by landing at Newcastle, a fine and short road to Philadelphia; the general's reason for not landing there, viz. that the enemy was in force at Wilmington, he would prove to be chimerical, for he should demonstrate to the committee, that there was no enemy in force within fourscore miles of Newcastle; so that Sir Andrew Hammond must have been misinformed at least with respect to the land force. Another thing he had to observe relative to Sir William Howe, was his not having made a diversion in the Massachusetts; he certainly could have spared 3000 men for that purpose, for he required only 11,000 rank and file for the expedition, and had full 14,000 at the battle of the Brandywine, while Washington had no more than 10,000. Sir William indeed had said, and said truly, that the rebel army consisted of 15,000 men, but in these were included the drivers, suttlers, &c. and he had evidence who could prove to a man the number of effective fighting men in Washington's army in that battle, amounted to no more than 10,000. If a diversion had been made in the Massachusetts, General Gates never would have been able to have mustered the army with which he had forced General Burgoyne to surrender.

With regard to the northern expedition, he thought it highly justifiable; from the nature of the service, which had made the French undertake quite a similar one in the last war; and as to its practicability, the general himself, in whose hands it failed, had never entertained a doubt about it until the unfortunate affair at Bennington, from which he dated all the disasters that befel our northern army. Every fort where opposition could be expected had been taken; nay, the General himself, when he detached Colonel Baum, had given him directions to meet him at Albany; so sure he was of the practicability of the march: unfortunately he changed his opinion; ordered

ordered Colonel Baum to Bennington, a march of 150 miles, (the distance a proof that little danger was apprehended,) the detachment was cut off; the enemy, by our delays in bringing up immense trains of artillery, and a great suit of provision waggons, was suffered to grow stronger; for, when Gates went to take upon him the command of the rebel army, it consisted of no more than 2,500; but by our delays it was suffered to increase to 18,000.

His Lordship apologized for his want of method in opening the business; assured the committee he had advanced nothing which he thought he was not able to prove. He concluded by moving that General Robertson be called in.

Mr. *Burke* and Colonel *Barré* complained of the intention of proroguing Parliament before the inquiry could be brought to an issue, and the resolutions of the committee be made. Ministers would call their evidence, and let it go forth to the public, that they had justified themselves without giving an opportunity to reply.

Major-General *Robertson* called in by Lord George Germain. [*Withdrew.*

Again called in, and examined by Lord George Germain.

Q. How long have you served in America?

A. About twenty-four years.

Q. In what capacities have you served?

A. I was quarter-master-general, brigadier and major-general.

Q. Have you had frequent opportunities of mixing with the inhabitants, and learning their political sentiments?

A. Yes.

Q. In what manner was the declaration of American independency received by the people at large?

A. I had not opportunities of knowing what the people at large thought about it, of my own knowledge, as I was not among them; but, from what I knew of the people before, I believe that the few artful folks who brought that declaration about, were the only people who rejoiced at it.

Q. After the declaration of independency, when Lord Howe and the General arrived at Staten Island, did the people at large in the country express a desire to treat with the commissioners?

A. I have been told since that the people were fond of the thoughts of having a treaty.

A. Had you any means of knowing what effect the report

or expectation of having a reconciliation, had in the rebel army at that time.

A. Yes, I have often been told that the rebel army, upon seeing flags of truce going between the two armies, a report prevailed in Washington's army, that there was going to be a treaty, the joy of the people, expressed on that occasion, it was thought might be attended with ill consequences; to prevent those, Mr. Washington gave out an order, on the 20th of August, assuring the troops that there was no treaty, although he had sent the proposals which he received from Lord and General Howe to the Congress, on the 17th of August.

Q. From your knowledge of the people of America, and the best information you have been able to collect respecting their present disposition, what proportion of the inhabitants do you think, at this time, would prefer a reconciliation with Great Britain to the supporting American independence?

A. I made all the enquiry in my power, just before I left that country, in September last; I conversed with people who, I thought, were best able to resolve that question, some of whom came from the countries where the rebel government prevails; the information I received was, that more than two thirds of the people would prefer the King's government to the Congress's tyranny.

Q. What effect do you think it would have in America, if the people in that country thought an opinion prevailed here that they were generally hostile to Great Britain?

A. I imagine, if people who are suffering from acts of friendship, were treated as enemies, and told they were so, it would cool their friendship, and have a tendency to make them enemies.

Q. Have the inhabitants of America shewn a willingness to take up arms in the present contest, and have the Congress found it easy to recruit their armies?

A. I can only answer that from observation I have made on other facts. The armies have not filled; and from the publications I have seen, there is no doubt but they have often threatened and been obliged to draft their militia.

Q. Were great exertions made by the Congress and their adherents to bring a numerous army into the field for the campaign 1776?

A. I believe so. I believe every exertion.

Q. In consequence of those exertions, what number of men in arms did they collect?

A. I never heard from good authority of any army they had collected together of more than 16,000 men.

Q. At

A. At what period of that campaign was their force the greatest?

A. I should think about the middle of August.

Q. Were they chiefly what was called continental troops, or did the militia of the country compose the greatest part of the rebel army at that time?

A. The vote of Congress for establishing an army was not then passed; but I believe, from the beginning of the rebellion, they made a distinction between the army and the militia; the army were levies, hired for a limited time. I believe the most of these 16,000 men I speak of consisted of such.

Q. What number of troops had the rebels, at the end of the campaign, when Sir William Howe arrived on the Delaware in 1776?

A. Their numbers had dwindled greatly. Our report said they were not above 8000 then, and the rebel accounts, who did not mean to lessen their importance, confirmed that report; I mean the rebel army that went through the Jerseys. What they might have in other countries I can't say.

Q. Were the rebel forces in the campaign 1776, much inferior to the British in discipline and military appointments?

A. Some of the rebels, particularly the Maryland regiments, were well clothed and accoutred; many of the others were but ill-clothed, and ill-armed; but I suppose none of them equal in discipline to the British troops.

Q. Do you think that the force sent out to America in 1776, was equal to the object of the war?

A. I saw the rebellion in its rise, and all our conversations were about the manner of quelling it, and the force necessary for it. We were all zealously wishing for a force equal to that purpose; but I don't remember to have heard any body extend their wish for so great a number of troops as was actually employed.

Q. What quantity of provision did our troops usually carry on a march in the late campaigns?

A. In the marches I made with them in the late campaign, they did not carry much provision.

Q. How many days provision could they carry?

A. In the late war they generally carried ten, sometimes fouteen, and I have known them, on particular occasions, carry nineteen.

Q. Do you think that, with proper care, any considerable supply of provisions could be procured by the British army, in a march through the inhabited parts of New England and the middle colonies?

A. The cattle were very numerous; it would be pretty difficult for the rebels to drive them all away, even with the assistance of the owners; but they would be industrious, or otherwise, according to the treatment they received from the army. If the cattle were overtaken in one place, without the people being satisfied, you probably would find them scarce in another.

Q. Do you know, or do you recollect, to have heard of any instance in which the country has been destroyed by the rebels, and abandoned by the inhabitants as the British troops advanced?

A. When we landed first at Long Island, we found all the farms stocked, and most of the people living in their houses. I had no occasion to see what passed in any other part of the country, except York Island and Long Island.

Q. Do you think it more difficult in America than in other countries to get intelligence?

A. In a country where the people are so much and so warmly divided, I should think it was less difficult to get intelligence than in another; but when we are anxious for information, it is natural to complain. I find Mr. Washington complaining that he could get no information in the country.

Q. Are you acquainted with the general face of the country in the Jerseys and Pennsylvania?

A. I have been a good deal through both those countries.

Q. In a military sense of the word, are those countries remarkably strong?

A. There are strong places in those countries; they are very extensive countries, and the face very different in different parts; where the countries have not been cleared, they are covered with wood. There has been a good deal of Jersey cleared, and about Philadelphia the country is all farms, as about London, their fences are posts and rails, which are not very strong, but easily removed.

Q. Is it so strong as the country which was the theatre of the last war in America?

A. The theatre of the last war was a continued wood; early in the war we reckoned that country as very strong, as the Indians and irregulars were most formidable in them. It

appears

appears now, that order and discipline are not so useful in any place as in woods; and a corps raised in America, disciplined by an acquaintance of mine, has shewn itself more superior to the rebels in the woods, than our best battalions are to theirs in an open field.

Q. Have you ever seen the rebels in possession of any post as strong as that which the French army held when General Wolfe forced his landing near Quebec?

A. The place where General Wolfe landed was very strong, and one may go a great way and not see so strong a one again.

Examined by other Members of the Committee.

Q. Who forced that post with light infantry at Quebec?

A. I fancy Mr. Wolfe landed soon himself, and there is a gentleman, a member of this house, who had a considerable share in forcing that post, I mean Sir William Howe.

Lord *G. Germain.* Q. Are the woods advantageous to the rebels, and have the British troops in any instance found it difficult to dislodge them?

A. I have said that those corps of ours were far superior to any of theirs in the woods.

Q. Do the settled parts of New England and the middle colonies abound with roads in all directions, and would an army find it easy to march in more than one column?

A. There are many roads, but I don't apprehend that ever woods prevent an army marching in as many columns as they please.

Q. What steps have been taken to conciliate the minds of the inhabitants of such parts of the country as the British troops have been in possession of?

A. There was a proclamation, desiring the inhabitants to take a declaration; they had certificates of their having taken it, and on those terms they had pardon from the King's commissioners.

Q. Did many declare themselves early in the campaign, and how were they afterwards protected?

Q. I remember there were numbers came and signed addresses, commending our government and abusing that of the rebels; these were printed, with peoples names at large. We soon left that country; the rebels took up the signers, banished them, or sent them to the mines.

Q. When the British army took possession of the Jerseys,

in 1776, were any steps taken to disarm those found in actual rebellion, or known to be disaffected?

A. I know of none, but by marching the army through the country.

Q. Were arms put into the hands of the well-affected inhabitants who had been before disarmed by the rebels?

A. Such of them as inlisted in the provincial corps; no other.

Q. Were the inhabitants required or encouraged to take up arms and embody themselves as militia, to defend their country against the incursions of the rebels, and was this made a test of their loyalty?

A. I know no measures of that sort taken that campaign.

Q. Did the troops plunder the inhabitants as they passed through that country?

A. There was a great deal of plundering.

Q. What effect had this on the minds of the people?

A. Naturally it would lose you friends and gain you enemies.

Q. Would it have been possible to have prevented the troops from plundering?

A. The commander in chief gave orders against it repeatedly. A number of officers, who lately came into the country, and entertained a notion that Americans were enemies, perhaps did not take enough care to prevent soldiers from gratifying themselves at the expence of the people, so that plundering was very frequent.

Q. Did you prevent plundering in the brigade which you commanded?

A. Yes.

Q. What steps did you take for that purpose?

A. I always considered the great object of the war to be the regaining the people, and to do this by letting them see we were their friends. Some parties that were sent for water plundered Newtown, in Long Island. I had them tried; they were sentenced and punished. Application was made in their favour; I sent to the town, and desired I might pay for the damage. The soldiers were acquainted with it, and they never plundered any more.

Q. Did you give out the following order?

"Newtown, Long Island, 31st Aug. 1776.

"Brigade Orders.——Major-general Robertson, responsible for the actions of those he commands, takes upon himself

self the expence of satisfying the people of the village for the depredations committed upon them by part of the first brigade last evening; without first doing this piece of justice, he could not have presumed to intercede for pardon to those a court-martial has condemned. He hopes for the future the troops will abstain from a crime which disgraces even victory, and defeats the King's intentions to protect and reclaim his American subjects."

A. Yes.

Q. Have you had opportunities of seeing many of the provincial troops that are now serving with our armies in America?

A. Yes.

Q. What sort of troops are they? Are they well disciplined, and have they always behaved well when engaged?

A. They are a pretty good body of men, they are usefully disciplined, and they have always shewn spirit enough.

Q. What other encouragement was held out to the gentlemen of the country to induce them to take commissions and exert themselves to raise provincial corps?

A. They got British pay.

Q. What was the sum given as bounty-money to a recruit for enlisting into these corps?

A. I may be mistaken, but I think about five dollars.

Q. What did you understand was the sum paid by the rebels for a recruit to serve in the army of the Congress at this time?

A. I can't speak of that by my own knowledge. I have often heard that the bounty was high, and that when a militia man was drafted, they paid very large sums for substitutes?

Q. What was that sum as you have heard?

A. I have heard 100l. their currency.

Q. What number of troops do you think we now have serving in America as provincials?

A. I can't speak with exactness, but I imagine five or six thousand.

Q. What rank did provincial officers enjoy when on service with the British officers.

A. I fancy they sink two steps.

Q. What rank did the provincial officers enjoy last war when Lord Amherst commanded?

A. In the beginning of last war they had no rank. It was suggested that, if they had rank in the army, the better people

ple would engage, and bring numbers along with them; the King was pleased to give them rank, the youngest in that they held. I think it was observed the provincial corps filled upon it.

Q. Do you think that if greater encouragement had been held out to both officers and men, that we might not have had a much larger body of provincials in the field than we now have?

A. I never have heard the provincial officers complain; but like causes generally produce like effects.

Q. Do you think it would be good policy to remit as much as possible our provincial force in America? and what are your reasons for your opinion?

A. I think our success in the country depends on our having the people, whether in the shape of provincials, or militia, or inhabitants armed in their own defence; and that every means we take to encourage them is good policy.

Q. What number of men did the Congress vote for the campaign of 1777?

A. I think it was eighty-five or eighty-six battalions; 500 in a battalion, I think.

Q. Did they exert themselves to complete the levies voted?

A. I believe so.

Q. How many men did they actually raise?

A. I can't speak to that with precision. I have often heard they never got half.

Q. Do you know what force we had in the campaign 1777?

A. We had 52,815 men.

Q. What part of that force was under the command of Sir William Howe?

A. 40,874.

Q. Can you give a general account of numbers and distribution of the troops for July or August 1777?

A. In August the troops with the commander in chief were 15,834, fit for duty, I mean. At New York and its dependencies with General Clinton 10,879. At Rhode-Island 3453.

Q. Do you think there was a force fully equal to the object of the war at that time?

A. It was a force that could beat any that the rebels could produce against it.

Q. Have you always been of that opinion?

A. Surely

A. Surely yes.

Q. Are you acquainted with the Hudson's-River, and the country on each side of it?

A. Yes, very well.

Q. Do you think that the opening a communication between Canada and New York, by taking possession of Hudson's-River, would have been the most proper plan that could have been pursued for putting an end to the rebellion in America?

A. I should have great diffidence in forming an opinion of my own on that subject. I lived long in the neighbourhood of that river. The objects appeared large to me: but I observed, by letters on the table, that General Gage, and those he consulted with on his leaving the command, acquainted Lord Dartmouth that they thought that the best of all plans; that made me think the better of my own opinion in that case.

Q. Who were those General Gage consulted with?

A. I imagine the lieutenant-generals on the spot. I mean the principal officers next him in command.

Q. Are you clear that the force employed was fully equal to the carrying this plan into execution?

A. I am clear of that—that the force of our whole army was equal to have possessed the North River.

Q. Do you think that the expedition to Philadelphia by Chesapeak-Bay, undertaken in July 1777, was at that season of the year an adviseable measure, considering the situation of the northern army when the fleet sailed from Sandy-Hook?

A. I was not in the country when it happened. The commander in chief might have had a thousand reasons which I don't know, and therefore can form no judgment of the propriety of the measure.

Q. Had you any opportunity of knowing the opinions of many of the officers in the army at New York, when you did arrive, on the propriety of that expedition, at that season of the year, and what appeared to you to be the prevailing opinion?

A. I conversed with many officers on the subject; many of them feared that General Burgoyne's army would be lost, if not supported. I wrote myself, on being informed of the situation of the different armies, to a gentleman in this house, telling him, that if General Burgoyne extricated himself from the difficulties he was surrounded with, that I thought

thought future ages would have litle occasion to talk of Hannibal, and of his escape.

Q. Did you ever hear any officer in America express an opinion, that General Howe's voyage to the southward was the most powerful diversion that he could have made in favour of the northern army?

A. No. It was certainly a diversion, but could not be the most powerful. A movement to Albany would have been a more powerful diversion.

Q. If, when General Howe embarked at Staten-Island for Philadelphia, a corps had been sent by sea to alarm the coasts of New England, what effect would such a measure have had in favour of General Burgoyne's operations?

A. A threatened invasion naturally keeps people at home, especially militia, who may march or not as they please.

Q. What number of men would have been sufficient to have given such an alarm?

A. I had often an occasion to consider of that. I was myself going out from that country with 1700 men at that time; we had cross winds, and were driven to different parts of the ocean. I wished often to the officers I was on board with, that it would have carried us to the coast of New England. I thought then, that even such appearance, and the burning a few barns, would have brought back the New England army to the defence of their own country.

Q. Do you recollect any instance in which the appearance of a fleet on the sea coast of America has had the effect to call off any considerable part of the rebel forces to the defence of the country, where such fleet has appeared?

A. Yes: if it be necessary I can mention an instance. A pretty large body of rebels were marching through Jersey to support the lines of Fort Washington; a very large fleet of Dutch transports sailed out of the Hook; the rebels were afraid for Philadelphia; the troops were countermanded, and Colonel Cadwallader, who commanded in the rebel lines, gave me this as the reason why they were so easily quitted?

Q. If the highlands had been secured, and a communication established with Canada, by the North River, have you reason to think the inhabitants of the province of New York in general would have accepted of the restoration of civil government?

A. I have reason to think the inhabitants of that country were favourably disposed: we certainly could have raised provincial

vincial corps there, and probably the loyalists, in place of the rebels, would have been armed.

Q. You believe then that many would have taken arms in support of the King's authority?

A. Yes.

Q. Would that country have afforded any considerable supply of provisions for the use of our troops?

A. Last war we got all our provisions from thence except pork.

Q. Do you think the communication between New York and Canada might have been so secured as not to be liable to any material interruption from the rebels?

A. The highlands in our possession, Hudson's river would have afforded means of sending our army within six miles of Albany without much interruption.

Examined by other Members of the Committee.

Q. Did your employment in America lead you to be informed of the resources of the country in different parts of it, and of the nature of those resources?

A. Yes.

Q. Does not the strength of the confederate American force consist of a combination of different quotas in men, money, stores or provisions, which each province is rated to contribute and bring to the common centre, according to the peculiar circumstances and resources of each province?

A. When I had the honour of knowing Governor Pownal, in that country, that was the policy which possibly might prevail: the rebel mode I am ignorant of. The river divides provinces which abound in different commodities: for example, the southern provinces produce wheat, which is wanted in the northern, and they again cattle, which are wanted in the southern. Their river, which actually divides them, our possession of that would send them more than a hundred miles round, through mountains that are hard to pass, and would almost cut off all communication.

Q. Whether the King's forces have not always had, and must always have, a great advantage over the Americans, so long as they have, for the transporting of their military stores, provisions and baggage, a command of water-carriage, connected with the march by land, especially when such can be defended by his Majesty's naval force?

A. I have known last war an army pass from New York to Albany, 170 miles, by means of that river, in two days. I give that instance as an answer.

Q. Was

Q. Was there any enemy on that river when this operation was effected?

A. Bodies of Indians used to come and fire when we came near Albany.

The last question but one repeated.

A. I should add, that in every case the command of water and the use of a fleet must give the forces a decisive advantage.

Q. Do you know the soundings of Hudson's river?

A. I know that a ship loaded goes from London-Bridge within six miles of Albany. I mean this as an answer to the question about soundings; that's enough for me to know.

Q. Do you know how high a vessel of force can go?

A. I don't know that there has been any trial; but I imagine a frigate may go within thirty or forty miles of Albany.

Q. Does not the road on each side of the river run so *à portée* to the banks thereof, that a communication and co-operation of force between troops marching by land and the vessels on the river may be always preserved?

A. I believe the road is no where above five or six miles distant from the river side: it is generally close to it.

Q. Cannot an army be transported from one side of the river to the other, with great ease, in any part of it, by a naval power that has the command of that navigation?

A. Certainly.

Q. Would not the taking post and command on the Hudson's river by the land and naval British forces of New York, and on the Lakes George and Champlain, by the landed and naval force of Canada, to the effect of co-operation between those forces, weaken the American combination of force, at the same time that it gave union to the British Force?

A. I am not capable of forming plans; but if I could give any information to this house on that subject it might be useful to the rebels?

Q. How do you imagine the rebels would hear it?

A. They have heard so much, I imagine they would hear that.

Q. Do you imagine the rebels have a friend in this house?

A. I hope not.

Q. Whether, after such co-operation and union, much resistance would be made to the progress of his Majesty's arms, either in the province of New England, on one hand, or in New York, the Jerseys, or Pennsylvania on the other?

A. The rebels would be greatly distressed if the communication that the question supposes was cut off.

Q. Whether the taking and securing this command to that effect,

effect, is not a primary object of the service in America, and which ought in the first instance to be done?

A. It is a great object; I can't say whether it is a primary one.

Q. That part of service either being given up as impracticable, or lost, do you conceive any practicable measure by which a general military command in America could be established and maintained?

A. I don't apprehend this is a place to consider that in.

Q. Without entering into the inquiry, whether the loyalists or the rebels are the majority in any one province, have not the rebels in every province (Canada and Nova Scotia excepted), found the means of getting the sword and revenue into their hands?

A. Yes.

Q. Can his Majesty's government be restored, and again established in any such province, so circumstanced, but by the operation of military power subduing and repressing the usurped power?

A. When the rebels are possessed of the arms, the loyal people dare not appear without our protection.

Q. Can his Majesty's government be carried on in such province without the assistance of a military force?

A. Surely not.

Q. Do you think the subduing and holding in subjection each separate province, by his Majesty's forces thus divided and dispersed, is practicable with any force that Great Britain could raise or send to America, while the American confederate force remains unsubdued, and in full communication, by any previous operation?

A. I suppose we should form a plan agreeable to our force, and should not make detachments where they are subject to be cut off.

Sir *William Howe*. Q. At what time did your communication with the inhabitants cease?

A. Since the rebellion began I have always been with the army; but even while with the army, I have seen prisoners and other persons from the country.

Q. Did your communication with the inhabitants, not under the protection of the army, cease after the 19th of April 1775?

A. If I had had any with them this would not be a place for me to tell it in.

Q. What were your reasons for supposing that the declaration of independence was not more generally approved of?

A. A

A. A little while before the rebellion broke out, I was conversing with one, whom I think the most knowing of the people of any man of that country. I alledged to him that the disturbances arising were owing to independence: he told me that the principle was hardly known in the country, and that he knew but of one man in all America who was an independant. That being the principle, I could not suppose that, in so short a time, all the people had changed.

Q. Name the time as near as you can of this conversation?

A. Three or four months before the rebellion broke out.

Q. In what year?

A. I left New York in July 1775; it was held just before I left New York; about two months before the affair of Lexington.

Q. Did you ever hear of the rejoicings in the rebel army on the act of independency being declared to them?

A. I fancy I might, and possibly by order.

Q. Did you ever hear that there was a *feu de joye* on that occasion?

A. I believe there was; but I don't take that for a proof of people's inclination.

Q. Will you give the reasons why you think the people at large wished a treaty?

A. When I was quarter-master general, the care of providing quarters for the troops in the winter was on me. There was no law for it, and the preservation of the troops depended on their being admitted into private families; this gave me abundance of negotiation; it was a trying time for people's tempers, and gave me occasion to observe, that the people were very loyal; that they had a reverence and affection for this country, and were more jealous of each other than of a Briton. These observations made me believe, that the original principle among the people was not totally changed; and all the informations I have received since has confirmed me in the belief, that the wish for independence was not general.

Q. When and where did these transactions happen?

A. I had the quartering of the troops in all the provinces; the first winter that the troops were landed there I had to go through most of the provinces.

Q. What winter?

A. At the beginning of the last war.

Q. Do you not know that the bulk of the people in America are formed into a militia?

A.

A. I know that last war, the principal inhabitants of the country, almost all of them, belonged to the militia; whenever provincial regiments were to be raised, and they could not recruit them, they then made a law to draft the militia.

Q. Do you know of any particular laws made in 1774 or 1775 for forming the militia?

A. No.

Q. Did you ever see a list of the rebel army, when we landed at Long Island, which consisted of 24,000 men?

A. I conversed with the rebel officers, who were prisoners, about their numbers, who said they were about 16,000 men, in and about New York, including Long Island.

Q. When you said that the rebel army on the Delaware, at the end of the campaign 1776, was only 3000 men, do you not mean those who passed cross the Delaware at Trenton?

A. I mean the army with Mr. Washington.

Q. How did you get that information?

A. From the rebel prisoners that were taken, and it was the common conversation of the people of the country, and the rebel publications which were made did not lessen their force.

Q. Can you speak to that positively?

A. That was the general belief and conversation where I was; who told me I cannot recollect.

Q. Do you know the number of General Lee's corps at that time when he marched through the Jerseys?

A. General Lee crossed the North River, and came into the Jerseys after the time we are speaking of: what their numbers were I knew then, but I have forgot now.

Q. Do you know the date when Lord Cornwallis's corps first arrived at Trenton?

A. About the 27th or 28th of November.

Q. Do you know when General Lee was taken prisoner, and where?

A. I know he was taken near Morris Town, in Jersey, about the end of November, or the beginning of December.

Q. Must not General Lee have crossed the North River some few days before or about the time we arrived at Trenton?

A. I can't be exact to the day that General Lee crossed the North River; it must be some time before the end of November.

Q. Do you know the strength of the rebel corps at that time in the neighbourhood in the province of New York?

A. No, I do not.

Q. Do you know the strength of the rebel corps toward Ticonderoga at that time?

A. No.

Q. Are you of opinion that the rebels require the same accoutrements that the British troops have for the war in America?

A. Their regular troops imitate our dress and manner as much as they can: the rifle-men and the irregulars have accoutrements that they think better for the woods.

Q. In the course of your service in this war, did you ever find the rebels arms or accoutrements insufficient for their purpose?

A. The Americans in the regular army are generally good shots from their infancy, and have guns of their own.

Q. At what time did the conversation happen, between you and some officers, relating to the necessary force for quelling the rebellion, and with whom?

A. It was almost the conversation of every day, and of every meal. I remember a report came over from this country, that a gentleman had refused to take the command, and in order to refuse it with a good grace, he had demanded 20,000 men. I remember that demand was thought to be rather extravagant.

Q. At what time did this report arrive in America?

A. Some months before the rebellion broke out.

Q. Can you name any general officers you conversed with, respecting the force necessary to quell the rebellion in America, after General Gage left America?

A. The conversation I speak of was prior to that; after that a wish would have been unnecessary, because the troops came.

Q. When did the force come?

A. What I mean to say is, that the force which came in 1776 was greater than in any of those conversations I heard was wished for before.

Q. About what force did the army consist of that arrived at New York from Halifax?

A. I can collect it easily from papers; but can't speak to it off hand.

Q. Did it consist of about 6000 rank and file?

A. It might; but I can't speak with precision.

Q. Had

Q. Had Sir William Howe asked your opinion when the army arrived at New York, would you have advised him to have attacked the rebel force then on Long Island?

A. Sir William Howe did me the honour to speak to me on that subject, and I gave him my reasons why I thought the landing the army on Long Island was not adviseable: I said, I thought Staten Island was preferable.

Q. Why did you think Staten Island preferable?

A. The rebels were entrenched and in force on Long Island: they could in half an hour bring their whole force from New York there: we had no carriages; the rebel lines were near eleven miles from our ships. We must have brought whatever we wanted in the soldiers hands, and every day an army from Europe was expected.

Q. How did the troops in the last war carry ten days provision, and what did it consist of?

A. The provision was generally flour and pork; they carried it in a kind of pack that they were used to make up and carry on their backs: there are a number of gentlemen here that have carried them often.

Q. Did the regular troops carry ten days provision in the last war when they expected to meet with an enemy?

A. Very often. The army that went up to Fort Pitt, when they marched four or five hundred miles, set out in that manner; ten days provision was the common quantity they carried.

Q. Do you know the weight of that ten days provisions?

A. Yes, ten pound and about forty ounces.

Q. Whether, in the course of your service in this war, you found any quantity of cattle in the country, milch cows excepted?

A. We found a great quantity of cattle on Long Island.

Q. Do you know whether the cattle was drove off in other parts where the army marched?

A. I fancy they tried to drive them off.

Q. Do you know whether we promised payment for the cattle we found on the march or not?

A. I dare say, when they were taken by the general's orders, he took care that payment should be made; but there were many taken by the soldiers which the general could know nothing of.

Q. Do you know that orders were issued whenever the army marched, for bringing the cattle to a particular part at the end of the march?

A. I was not with the army when any such orders were issued.

Q. Did you ever march with the army after we were in possession of New York?

A. No more that campaign.

Q. Did you in the campaign 1777?

A. I was with General Clinton some time in his march in the year 1777.

Q. Do you recollect the state of the inhabitants of the town of Utrecht when we landed on Long Island?

A. We landed very near it, and the people might be frightened out of it for what I know. I know in the villages where I went that evening we found many people in their houses.

Q. What was the state of the inhabitants of the towns of Gravesend and Flat Bush, were they evacuated by the male inhabitants?

A. I found a good number of inhabitants there.

Q. You have said, that intelligence, you conceived, was not difficult to be had: do you know what difficulties Sir William Howe found in gaining intelligence?

A. No: the question that was asked was a matter of opinion; and I spoke from the knowledge I had of the people of the country.

Q. Did you ever hear that Sir William Howe discouraged the receiving of intelligence?

A. Never.

Q. Do you think the inhabitants, such as we could inquire of, were competent to give a military description of the country for the march of the army?

A. They are shrewd people, and are used to live in the woods.

Q. At what time did you look at the Jerseys with a military eye, so as to form your opinion that it was not a strong country.

A. I have very often gone through Jersey; and consider every country I go through with a military eye; a good deal of Jersey is clear; the parts near the coasts and the roads are very practicable; sometimes a strong place, but it is three or four hundred miles in extent, and must vary. The internal part of the country is mountainous.

Q. You have said, that the army last war went very expeditiously from New York to Albany: was there any enemy opposed to that army in their passage?

A. No: except some few straggling Indians near Albany.

Q. At what distance above Albany did the enemy's army oppose General Amherst?

A. The

A. The French had no force nearer us than Ticonderoga.

Q. When General Amherst marched against Ticonderoga, was not that place evacuated by the enemy in 1759?

A. No: General Amherst raised batteries against Ticonderoga: they quitted the lines on our approach, and left a garrison in the fort, which they afterwards abandoned on our raising our batteries.

Q. Is not the road from New York to Albany through a much stronger country than any of the inhabited parts of Jersey?

A. The road through the Highlands, which is about twelve miles, is very strong; the rest of the road between New York and Albany is not remarkably strong: the country is a good deal settled.

Q. Are there not many rivers to be crossed between the Highlands and Albany, on the east shore?

A. There are some small creeks, over which, I suppose, there are bridges; I don't remember any considerable rivers.

Q. Do not all the rivers, between the Highlands and Albany, run at right angle to the Hudson's River?

A. I believe so.

Q. Is not the road, at some places, five, six, seven, and eight miles from the river?

A. I have said five or six miles.

Q. If the enemy's army were posted behind one of those strong rivers, would it not be very difficult to force them, or to turn either flank?

A. The enemy's army, taking possession of any part of that side of the Hudson's River, except the Highlands, while we possessed a fleet and craft to transport a superior army, carrying all our carriages, artillery, and stores with us, by the quickness and convenience of our movements, might turn, harrass, and have great advantages over any army who had no such conveniencies.

Q. Would you then have advised the army's going by water, and not by land, up the Hudson's River?

A. Certainly by water and land when you pleased.

Q. Would you advise the committing an army to be landed in the face of an enemy where it could be avoided?

A. The motions of our fleet are so much more rapid than their movements, that we may go to Albany in two days, and they will go in twelve; so that we might land out of their reach whenever we pleased.

Q. Suppose the army had gone up the Hudson's River in 1777, consisting of 15,000 men, what number of transports would have been necessary for their conveyance?

A. We always carried 100 in an Albany sloop, which may be about 70 tons.

Q. Must not our army have drove the enemy out of the Highlands before they embarked for going up to Albany?

A. Certainly: we could not pass the Highlands till we had droye out the enemy, and taken the boom which they had across the river, which was protected by two forts.

Q. Do you suppose that the enemy would have had a less force to defend the country against the New York army, going up Hudson's River, and that under the command of General Burgoyne, than proved to be the case in 1777, against those two armies?

A. I imagine, if the rebels had attempted to unite the northern and the southern armies, the force they could have brought together would have been far from being equal to the two separate forces.

Q. Which army would have been diminished of the enemy's armies?

A. Both of them; the transport of provisions, and the subsistence of armies consisting of such numbers, is beyond the rebel powers to have subsisted them.

Q. Was there any reason why the rebels would unite their two armies before the King's southern army got to Albany?

A. If the rebel project had been to unite their two armies at Albany, we being in possession of the North River, their march would have been attended with great difficulties indeed.

Q. At what time do you suppose the rebel northern army could have come down to Albany, from their opposing General Burgoyne's army, leaving General Burgoyne to come to Albany with his army?

A. The place where the rebel army was stationed at Still-Water, was two easy days march from Albany.

Q. What could occasion that army to march from Still-Water to Albany?

A. I have not supposed any thing about such a march: I was asked how long it would be marching; I said about two days, but have laid down no plan upon that subject.

Q. Why do you suppose the two rebel armies were to unite?

A. I

A. I only supposed in answer to the question, "Whether they would not be as numerous?"

Q. Do you think the rebels would have had a less force opposed to General Burgoyne, and a less force opposed to the southern army, than they really had, if the southern army had gone up the North River?

A. I believe Mr. Washington's army was composed mostly of troops from the southern provinces. I believe he would not have been able to have brought the army to the side of the Hudson's River in so great numbers, that is, with the same number; the country could not have found subsistence for them.

Q. Then do you think the country could not have subsisted General Washington's and General Gates's armies, one to the northward of Albany, and the other in the Highlands?

A. I mean, that Mr. Washington, not having laid in provision and magazines for the march of an army by that route, would have had great difficulty to have had a supply.

Q. By what mode did General Washington generally supply his army with provisions?

A. I have been told that their supply was very precarious: sometimes they had not forty-eight hours provisions. In the route he must have held for Philadelphia, supposing us in possession of the North River, Mr. Washington must have brought most of his provisions from the country he left.

Q. Where was General Washington's army the 10th or 15th of July 1777?

A. I fancy he was in his standing camp near Morris Town.

Q. Did you ever hear that General Washington was ever encamped at the Clove?

A. I dare say he was; I was not there; I can't say I ever heard it.

Q. Do you know where the Clove is?

A. It is the entrance into the Jersey Highlands.

Q. Do you suppose that General Wolfe would have landed where he did, if the French army had been there to oppose him?

A. He would not have succeeded in his landing.

Q. Do you imagine the artillery could have marched through woods in columns?

A. Whenever artillery is to march through there must be a road made.

Q. Mark out any part of the country where the army, in different columns, could march, and keep up a communication with each other; I mean in general.

A. Wherever there is not a pass or a single bridge to go over?

Q. Don't you include the woods as an impediment to prevent the army from marching in that form?

A. If an army, marching towards an enemy, wanted to form soon, it would march in as many columns as it could, though in a wood.

Q. Do you remember whether the male inhabitants were found in their dwellings where the army marched, or whether the dwellings were deserted by the male inhabitants?

A. The houses, it is probable, on the road where the army marched, would be quitted, especially if they ever heard that people that staid in their houses had been ill treated.

Question repeated.

A. I have spoke to the only place where I was——Long Island.

Q. Have you said that the male inhabitants in Utrecht, Gravesend, and Flat Bush, did not remain in their dwellings where the army marched?

A. I found inhabitants in the places I went to: and I know the disposition of the inhabitants in those towns; if they run away, it was through fear, and not through disaffection.

Q. Did the male inhabitants run away from Utrecht, and the other towns, or not? were not the dwellings in those towns evacuated when the army landed?

A. Many of them might; some of them I know were not: Utrecht I was not at; the others I was, and saw inhabitants there; many of them might have ran away.

Q. What protection could the army have afforded to the inhabitants that were neglected?

A. I know it was General Howe's wish to protect them as much as he could.

Q. What addresses do you allude to, when you say that names were printed at length to them, which occasioned many people to be taken up and condemned to the mines?

A. They were addresses from part of the province of New York, we were in possession of, to the governor; and they were printed in the New York paper, a day or two before we left that part of the country.

June 9

Committee on American papers, F. Montagu, Esq. in the chair, Major General *Robertson* again called in and examined by several members of the committee.

Q. Was you with Sir William Howe's army in their march from the Elk to Philadelphia?

A. No.

Q. Have you been in Pennsylvania since the beginning of the rebellion?

A. Yes.

Q. At what time, and how long, and on what occasion?

A. About this time twelve-month. I staid there till the town was evacuated.

Q. When did you arrive there, and when was the town evacuated?

A. I was about a fortnight at Philadelphia before the town was evacuated.

Q. Had you been in the Jerseys during the campaign 1776?

A. No.

Q. In the campaign 1777?

A. I was in part of the Jerseys in 1777.

Q. In what part and how long?

A. Upon hearing that the rebels meant to attack General Clinton on his embarkation, I went to join him, and staid some time there.

Q. How long a time was you in the Jerseys?

A. On that occasion I staid no longer than I found there was to be no attack.

Q. Was the stay long?

A. No.

Q. How deep did you go into the country?

A. Not far on that occasion.

Q. Have you since been in the Jerseys?

A. No.

Q. Have you been in the New England provinces since the evacuation of Boston?

A. No.

Q. Have you been in Virginia since the breaking out of the rebellion?

A. No.

Q. In Maryland?

A. No.

Q. In

Q. In North or South Carolina?

A. No.

Q. Do you think that there is any change in the opinion of the people since you knew those provinces previous to the rebellion?

A. Certainly there is a difference in a good many people's opinions.

Q. Have you seen any official returns of the strength of the rebel army whilst you was in America?

A. I don't remember that I have.

Q. Have you seen any published by authority of the Congress of that strength?

A. I saw the publication in the newspapers.

Q. Were they signed Charles Thompson, or had any other mark of public authority?

A. I have seen many publications signed by Thompson.

Q. Returns of the army in particular?

A. No.

Q. On what occasion had you conversations with any of the persons resident in the provinces represented in Congress, who were capable of knowing their sentiments and the state of their affairs?

A. I had many occasions. I was at Boston, and commanded at New-York, and nobody came in without my questioning him. The subject was interesting, and I took every opportunity to enquire.

Q. Were any persons ordinarily admitted into those places who were of rank and consequence amongst the rebels?

A. Not ordinarily, but upon some occasions.

Q. On what occasions? What kind of occasions, whether flags of truce, &c.

A. Numbers of people came in to take the declaration; numbers of prisoners were taken, and numbers of people were admittted on particular business.

Q. According to the actual constitution of America, how is the Congress elected?

A. The house can have many more accurate accounts than from me.

Q. Will you please to answer that question?

A. I took some notice how the first Congress was formed; I don't know how the last was. I am no adept in their constitution.

Q. Did you hear that they are elected by the assemblies of the several provinces?

A. I

A. I believe they are by some; whether there are assemblies in all the provinces I really don't know.

Q. For what time are they commonly elected?

A. I have heard for three years; but I am not certain.

Q. By whom are the provincial assemblies, now actually existing in America, elected?

A. I am not an adept in their constitution; I know little of it.

Q. Does the strength of the Congress of America consist most in the continental army or the militia? In which are the greatest numbers?

A. The number of the militia is greatest I should think.

Q. Of whom is the provincial militia composed?

A. The militia used to be composed of all the people.

Q. Have you heard that that constitution is altered, and how?

A. I really can't say.

Q. Have you heard that it is?

A. I have heard so little about it that I can't say how the form of it is.

Q. Do you know of any considerable corps of militia revolting from the Congress to the royal army?

A. Not in a corps.

Q. Is it only as deserters?

A. I never heard that they deserted in a corps.

Q. Have you heard of an insurrection of the militia against the authority of the Congress?

A. I have heard that the militia refused to be drafted, and that the rebels were obliged to bring troops to force them.

Q. To be drafted into what?

A. Into the continental army.

Q. What proportion of General Washington's army consisted of continental troops and militia at Brandy-wine?

A. I was not there, and can't speak to it with any knowledge.

Q. Have you heard of any militia corps having made an insurrection in any province in favour of the royal cause?

A. I don't know that any such thing happened.

Q. Do you know of any one of the thirteen provinces who have sent offers to treat?

A. I believe no such offer has come from any part, which they call the legislative body.

Q. Has any country, town, port, or place, not under the protection of his Majesty's troops, sent, in its corporate capacity, an offer to treat?

A. I

A. I don't know of any such message having been sent.

Q. Have any messages to treat been sent to them?

A. I know nothing of it.

Q. Had the victory at Brandy-wine, the taking of Philadelphia, and the possession of the Delaware, any tendency to make the royalists in those countries declare themselves in his Majesty's favour?

A. Certainly a tendency.

Q. What was the effect?

A. I was not in that country, and can't give much information on that head.

Q. Did a great number of persons, who had been in rebellion, declare themselves in favour of the King's cause, after the defeat of the rebels in Long-Island?

A. Yes.

Q. In what numbers?

A. I took the numbers of the people in the town of New York, and they were about 11,000.

Q. Was not New York at that time in possession of his Majesty's troops?

A. Yes: we could not have taken their numbers else.

Q. Do you remember any place delivered up to his Majesty's arms by the voluntary consent of the inhabitants, being themselves armed and supported?

A. I don't recollect any such situation happening.

Q. Do you remember the expedition to Danbury?

A. I know there was such an expedition, but I was not then in the country.

Q. Where was you then?

A. In England.

Q. How long, in all, did you continue in England from the commencement of the rebellion?

A. I left New York the 16th of February 1777, and returned the 25th of September following.

Q. When did you come to England this last time?

A. I came away from New York last September.

Q. What was the effect of the evacuation of Philadelphia on the minds of the people subject to the Congress?

A. Numbers there were very sorry.

Q. Of those that were in the town what was the effect of it on them?

A. Great numbers were very sorry.

Q. What effect had that measure in support of the royal cause?

A. At

A. At first it was like to have a bad effect: people in other places were afraid they should be left; that wore off, since the people were informed that they are to be protected.

Q. How have the royalists in Pennsylvania and Philadelphia in particular, been protected since that evacuation?

A. Philadelphia is not under our protection. A good deal of care has been taken to protect the people of New York, and to make them pleased with government.

Q. What magistrate, under his Majesty's authority, commanded at Philadelphia when Sir Henry Clinton evacuated that place?

A. I don't know of any magistrate.

Q. Are you of opinion that any magistrate of his Majesty's could command there after the army was withdrawn?

A. Surely not.

Q. What was the reason, as you conceive, of the army's being withdrawn from Philadelphia?

A. I had not the honour of being in that secret; but I may guess it was to save the West Indies, which that measure has effectuated.

Q. Are you of opinion that that measure could not have been effectuated without abandoning Philadelphia?

A. I am not enough acquainted with all the measures to determine such a point as that.

Q. Was there not some idea, at the evacuating of Philadelphia, to save New York also by that measure?

A. I don't remember that New York was in danger.

Q. Do you remember that there was any French naval armament in the West Indies, at the time when that evacuation must have been directed?

A. I really can't say; I know none of the motives.

Q. Have you heard it?

A. I had no opportunity of knowing it.

Q. Where was Mr. D'Estaing's fleet when the preparations for abandoning Philadelphia were made in that city?

A. In the western ocean.

Q. Where were they when it was executed?

A. About the time that our ships were getting to New York, I remember to have heard that Mr. D'Estaing's fleet had been seen.

Q. Soon after they had got into New York, where was D'Estaing's fleet? was it in the West Indies?

A. It was not in the West Indies.

Q. Where was it?

A. Soon

A. Soon after we saw it off Sandy-Hook.

Q. Did it create any alarm and apprehension in the army at New York?

A. The army at New York never shewed any apprehension.

Q. Did the navy?

A. Far from apprehensions, it seemed to raise their spirits.

Q. What naval force was under Lord Howe when Mr. D'Estaing arrived off Sandy-Hook?

A. That may be got from others with more precision than from me.

Q. Was the English fleet, at that time, much more numerous than Mr. D'Estaing's in men of war of the line?

A. The fleet was much inferior to Mr. D'Estaing's.

Q. What was the effect of the spirits of the British fleet, that was raised on the arrival of Mr. D'Estaing, before the reinforcement from Admiral Byron's fleet; and did they go out and attack the enemy?

A. One of the effects was, that the sailors at New York applied, that they might have the honour of going on board Lord Howe's fleet to fight the enemy.

Q. Did Lord Howe go out and fight the enemy before the reinforcement came from Admiral Byron's squadron?

A. After the time of Mr. D'Estaing's arrival, he went away some days; when he was gone, several of Lord Howe's squadron joined him from different parts of the world; and, I think, one or two of Mr. Byron's had joined him too before he sailed.

Q. Was it the sense of the naval officers you conversed with, that Lord Howe declined coming out, while Mr. D'Estaing was there, through cowardice, or from an opinion, that no honour or advantage could be had by engaging them before the two reinforcements arrived?

A. I never heard Lord Howe's name and cowardice put in one sentence before; nor did I ever hear any officer say, that he should have gone out to fight Mr. D'Estaing while he lay off Sandy-Hook.

Q. Did you hear of any fleet of victuallers that were expected on the coast of America about that time?

A. Yes; we were anxious about them; but they got in safe.

Q. Have you heard that, after the evacuation of Philadelphia, that fleet put into the mouth of the Delaware with an intent to go to Philadelphia?

A. I heard they put into the mouth of the Delaware before they came to Sandy-Hook.

Q. What did you hear prevented the victuallers from proceeding up the Delaware?

A. They got information, after they were some way up, that the French fleet was there, and so they went to New York.

Q. Did the victuallers know that the army had evacuated Philadelphia before they proposed to sail up the Delaware?

A. I have related the fact—that they sailed up the Delaware a little, found that Philadelphia was evacuated, and came back where the army was.

Q. How long was it before the detachment under General Grant was sent to the West Indies?

A. The time they sailed is exactly known: I believe it was the beginning of November.

Q. When was Philadelphia evacuated?

A. I think in June some time.

Q. What number of troops were sent by Sir Henry Clinton to the West Indies?

A. I guess about 5000 men.

Q. How many afterwards continued under the orders of Sir Henry Clinton in North America; I mean British and Germans?

A. I have not a return of that particular army with me.

Q. What were the numbers of Provincials under the orders of Sir Henry Clinton?

A. I can't speak with exactness; four, five, or six thousand men.

Q. What were Sir Henry Clinton's offensive operations in the campaign 1778, in the middle colonies, with that army?

A. When Mr. D'Estaing was on the coast, and Rhode Island was attacked, Sir Henry Clinton went himself to endeavour to raise the siege of Rhode Island: it was raised before he came; luckily the rebels had got off before he came: he made a detachment to destroy some of the enemy's ships and coasts. No other offensive operations took place while I staid.

Q. Who had the command of that detachment to Rhode Island?

A. I said General Clinton went himself.

Q. Who was it commanded, in the offensive operations, after Sir Henry Clinton returned?

A. The

A. The detachment General Clinton made was commanded by General Gray.

Q. Did General Gray acquit himself with zeal and ability in that operation?

A. General Gray, as usual, acquitted himself with zeal and ability.

Q. Have you heard of any other offensive operations in the middle colonies during that campaign?

A. I have heard of several operations since, but I know them only from newspapers.

Q. Are they so considerable as to have reduced and kept any place in those central colonies?

A. I don't really know the General's intentions.

Q. I speak of the fact already done?

A. I believe he has kept no place.

Q. Do you think Sir Henry Clinton's army was competent for more decisive operations during that campaign?

A. I think Sir Henry Clinton would employ his army for the best purpose he knew of.

Q. What was the number of the detachment to Georgia?

A. It was made since I came away. If the knowledge is of any consequence there is a gentleman in the house can give a very good account of it.

Q. Was there a corps of well-affected Provincials, of sufficient strength to preserve Philadelphia in the King's obedience, on the evacuation of it by the King's British and German troops?

A. I believe not.

Q. Are you governor of New York?

A. I have the honour to be so.

Q. Would you answer for the defence of that place against the rebels, if the British forces were all withdrawn, and the place left to the care of the provincial corps in his Majesty's service?

A. There is not yet a sufficient provincial force for that purpose.

Q. Is it not because the rebels have a stronger army, or one not so strong?

A. The rebels have a stronger army than the provincials now collected.

Q. Could Rhode-Island be trusted with such a defence?

A. The idea of being left without King's troops would be uncomfortable and discouraging to the provincials; when our troops assist them in recovering their rights, they have *been more* successful.

Q. Would

Q. Would you trust the new conquests in Georgia to that defence?

A. I wish the committee would enquire of the honourable member I have alluded to.

Q. Might Halifax be trusted to that defence without any King's troops?

A. The provincials at Halifax are very few; the country is not strong yet.

Q. Do you, as an experienced military man, and knowing in the circumstances of that country, think that one considerable place in America, that was an object to the enemy to attack, could be safely entrusted to the now existing provincial troops in British pay, alone and unsupported by his Majesty's British or German troops?

A. I have a very good opinion of the provincial troops, and have no reason to doubt of their fidelity or courage; wherever there is a fort that their numbers could properly occupy, I believe they would make a good defence.

Q. Would it be adviseable to commit it to their defence?

A. Troops on different establishments acting together, create an emulation, and possibly would act best when joined.

Question repeated.

A. I have said, a mixed body makes the best garrison, and therefore I would take the best method.

Q. Could it be safely done?

A. I have no suspicion of them; and if I was under a necessity, I should have no diffidence of them, but I should take the measure I thought best.

Q. How are the provincial corps composed; whether mostly of native Americans, or from emigrants from various nations of Europe?

A. Some of the corps consist mostly of natives; others, I believe the greatest number, are enlisted from such people that can be got in the country, and many of them may be emigrants: our force is not distinguished from the rebels in that circumstance. I remember General Lee telling me, that he believed half the rebel army were from Ireland?

Q. By the rebel army, did General Lee mean the continental army or militia?

A. I mean the continental army.

Q. Are the provincials in the King's service generally officered by Americans of property in that country?

A. I remember great numbers: most of the officers that we put at the head of the regiments were men of the best.

influence in the country; and they looked out for and recommended such officers as could best enable them to complete their levies, and were therefore probably men of interest in the country.

Q. You talked of a plan of invading New-England, for the purpose of a diversion, with 1700 men that you was conveying to America, and to burn some barns in New England; do you mean barns only, or other houses, promiscuously as they came in your way?

A. I meant to alarm the coast, rather than to distress it; I would have burnt the house that would have made the greatest blaze, and done the least mischief.

Q. Did you intend to penetrate far into the country?

A. By no means; shew, not force, was wanted for that kind of service.

Q. Was you sure you could secure your retreat on such services?

A. Many places offer, where I could have effectuated my purposes without endangering my retreat.

Q. Where were they? [*Question objected to.*

Witness withdrew.

Motion made, and question put, that the witness be asked what the places on the coast of New-England are, where he could have effected his purpose of giving the alarm he mentions, without endangering his retreat?

It passed in the negative.

The witness was again called in.

Q. Whether that plan of invading the coast of New-England for the purpose of an alarm, occurred to you while you was at sea; or had you thought it adviseable before you left England?

A. It occurred to me at sea: the difficulty of getting forward, and our sometimes going south, and sometimes going north, made me wish to go on the coast on the New-England side, in order to give an alarm; I had no aim at any particular place; wherever we came we might have made an alarm without a great number of ships.

Q. Did you not propose to land, when you proposed to burn the barns?

A. Certainly.

Q. Did you think yourself authorized to undertake that kind of expedition without orders from the ministry, or the commander in chief of his Majesty's forces in America, or others, your superior officers?

A. I

A. I never burnt a house in my life, I have often prevented it; I wish I could have burnt the barns and given the alarm I intended, because I am at this moment convinced it would have answered a great end.

Q. Could you have justified the landing without the circumstances the former question supposed?

A. As often as I have it in my power to annoy the enemy, I will take the rest on myself.

Q. Did you then not communicate to his Majesty's ministers, or had such a plan communicated to you by them?

A. I may have talked about it before I left England, but I never communicated it to any of his Majesty's ministers or had any directions from them.

Q. Did the ministers ever consult you on the operations of the American campaign while you was at home at that time?

A. I remember to have had the honour of talking to the secretary of state; he mentioned to me some plans he had received from America; I said that no plan formed in that country, sent to England and returned back, would probably find matters in the same situation; that a plan originally good, might by that time be improper. I apprehended that where a minister employed a General in whom he had confidence, he would give him all the force and intelligence he could, and leave him to pursue such plan as would be suggested by circumstances. The minister said I was right, *and he did so.*

Q. Am I then to understand by this, that the minister sent no plans to America?

A. I would wish to refuse no answer to a question that is put to me; but to that I must say I really don't know.

Q. What is to be understood then by the words "and he did so."

A. That he followed the method I spoke of on that occasion, that he authorized the General to follow his own plans.

Q. Whether when you was on the ocean in the manner you describe, you could know more of the circumstances of America than if you had been in England?

A. Yes: I could know more; we met with vessels from Rhode-Island who told us a number of circumstances relating to the situation of the army.

Q. Did they give you so correct an idea of the state of Sir William Howe's army; of the northern army under General Burgoyne, the necessities that General Clinton might have had for your service, and the state of the defence of the province of Massachusett's Bay, as might enable you to form a

plan with the knowledge of circumstances which you have told us is requisite for forming it properly?

A. I knew from them that a number of New-England troops were gone to the southward; I had no right to take the fleet out of its way, but had it come on the coasts of New-England in the course of its voyage, I saw an evident advantage in making an alarm; that was a general notion; I had no particular plan.

Q. Was not that a reinforcement that General Clinton expected at New-York?

A. They were troops going out to America, whom I should not have ventured to detain for any space of time.

Q. Could Sir Henry Clinton have ventured to undertake his expedition to the Highlands with propriety, if you had not arrived at the time you did?

A. If I had delayed much time in executing the service I speak of, it would have been of prejudice to Sir Henry Clinton's expedition.

Q. You have said that originally America was well affected to this country, and that now two-thirds are still so, what has made that one-third disaffected to this country?

A. It can't be expected that I should explain a matter that has been so much in discussion; the causes of the rebellion are better known to other people than to me.

Q. Was not the subject of taxation the matter?

A. The people in America very generally disliked the subject of taxation and wished not to be taxed.

Q. Was that confined to the one-third, or did it extend to the other two-thirds?

A. I take it the general wish of the people in America was to avoid being taxed.

Q. Would the two-thirds have submitted to any plan of pacification and submission to the King's government which did not include a satisfaction on that head?

A. I believe two opposite passions would have arose in the people's minds; the aversion to separate from England, and the aversion to being taxed; I am unable to decide what proportion of them would have inclined to either side.

Q. Was it advantageous to the British government to put them to the alternative; either separation from the British government or taxation?

A. That involves questions of state to which I am not competent.

Q. Have you ever formed an opinion on that subject?

A. I believe I have thought of it often; from what I have said

said now, and from what I have always thought, I believe if the point of taxation had been given up, the people would more easily have desisted from rebellion.

Q. Whether the not giving satisfaction in that business of taxation, was not the cause why the one-third ill-affected became stronger than the two-thirds well-affected?

A. The one-third ill-affected became stronger by their arms; they were armed, assumed the government, and kept the others in obedience and subjection.

Q. Did you not tell us that all the men in America were armed from their army?

A. No.

Question repeated, as generally armed.

A. The people that live on the frontiers and near the woods make a good deal of use of their arms in shooting; the inhabitants in towns are not armed, nor the people in the cleared country, where guns don't serve them for killing game.

Q. Did you not say that all the people were embodied in the militia, prior to the rebellion, and were obliged to have arms?

A. I did not say they were obliged to have arms.

Q. Had they not arms?

A. When the rebellion broke out, those who went into it disarmed all those they thought not affected to them.

Q. Did they do so in New England to any considerable number?

A. I believe they did; I fancy no man has arms there now who has not given some security, or taken oaths to their government.

Q. The question refers to the time of the breaking out of the rebellion, not to the present time?

A. I apprehend that they seized all the arms of the persons disaffected to them when the rebellion broke out.

Q. By what means did one-third assume the government?

A. It is difficult to describe, and it may be better understood by an instance; a little mob would keep the people of a great street in awe.

Q. Were there not a great many resolutions of provincial congresses, ordering all men to provide arms previous to the actual breaking out of the rebellion?

A. In the New England provinces a good many laws subsisted for arming the people, made in the time of the Indian war; but they were fallen into disuse.

Q. Did not the resolutions of all the provincial congresses indiscriminately order all men to arm and train themselves?

A. I believe so.

Q. Do you remember the King's speech in 1775, promising to send commissioners into America to make peace?

A. I do not remember it particularly; I dare say I have seen it.

Q. Do you not remember that it was reported in America that assurances were given from the throne that commissioners would be sent to America for making peace?

A. I remember it very well.

Q. Did that commission arrive in America?

A. Yes.

Q. Was it seven months or thereabouts after the opening of that session?

A. I am perhaps the least able here to tell that.

Q. Do you remember when the commission arrived in America?

A. Pretty well.

Q. The time?

A. I believe about the month of August 1776.

Q. Was it not expected with eagerness by numbers of the Americans, particularly the well affected?

A. Certainly it was so.

Q. Was not independency declared in the interval between the declaration from the throne and the arrival of that commission?

A. I believe independency was declared before Lord Howe's arrival.

Q. Was it long before?

A. Not very long; I don't remember the day.

Q. Was it in the beginning of July?

A. I believe about June or July.

Q. Not long before Lord Howe's arrival?

A. No.

Q. Did not the postponing a conciliatory commission till that time produce mischief?

A. The sooner the King's gracious intentions were known it would have been better.

Q. Was it not assigned as one reason of the declaration of independence that they were put out of the King's protection and that no redress of grievance was held out?

A. I have no way of knowing but by reading the Congress's papers, which are in every body's hands.

Q. Was not that in the Congress's papers?

A. I believe so.

Q. Was

Q. Was there not a complaint in America, that the powers of the commissioners were so limited that they had no power to offer any specific redress of grievances?

A. The people of America did not know what powers the commissioners had, nor do I know to this day.

Q. Was it made known in America that the commissioners had a power to give satisfaction relative to the matter of taxation?

A. I don't know that it was known; I did not know it; nor do I know it now.

Q. Would not the knowledge of such a power have facilitated peace, if such a power had been?

A. Such an offer made to the gross of the people would certainly have had a very great effect.

Q. Do you think if the commissioners had had such a power they would not have made it known?

A. I did not know what reasons the commissioners might have for concealing their powers.

Q. Were they not charged with not having such power by Dr. Franklyn and others, as well as by the Congress, and whether that charge was not made public?

A. Dr Franklyn said so.

Q. Did the commissioners contradict it?

A. I really am not averse to answering the question, but I do not know what the powers of the commissioners were; nor were they known in America; they were differently spoken of and guessed at.

Q. Whether the postponing the granting satisfaction on the matter of taxation, until a treaty had been actually signed between the American Congress and the court of Versailles, did not prove an impediment to the success of the commissioners that went out with that concession, and give the Congress an occasion to attribute the conciliatory propositions to that treaty, and not to the benevolence of Parliament?

A. The treaty of Versailles, without doubt, made a great alteration, and gave the last commissioners great disadvantage in treating; but they made it clear enough to the world that France had made its treaty after knowing the favourable resolutions of this government.

Q. Had they any grounds for that in the public proceedings and votes of Parliament?

A. It is matter much better understood by the papers themselves; my ideas are not clear on the subject.

Q. Whether, by the help of your residence in official situations, and extensive intercourse among the North Americans,

you have found it practicable, since the commencement of the rebellion, to acquire a competent knowledge, in your opinion, of particular changes in the disposition of the people in the different colonies, though you have not had it in your power to travel over the face of each respective colony?

A. I have been inquisitive, and have had accounts of what has passed in the different colonies.

Q. Whether, during the last three years, you have had frequent intercourse with the rebel prisoners, with persons coming within the British lines under flags, and with the natives of North America of different descriptions, connections and parties; and whether it fell particularly within your practice and the exercise of your duty to collect the best information from them in your power?

A. Yes.

Q. What was your knowledge of the inland part of the Jerseys previous to 1776?

A. I have travelled through the Jerseys before the rebellion.

Q. Have you understood by rebel prisoners, and by other means of information, that in the beginning of June 1777, when the rebel army occupied the strong post in the mountain near Quibble Town or Morris Town, that they had magazines regularly formed at that place; or were they not supplied with provisions brought in once or twice a week?

A. I have often heard that their magazines were slender, and that they were supplied with a few days at a time.

Q. When the King's army was at Hillsborough or Mills Town, have you not understood that by advancing some miles on the flank of the rebels it might have got between them and the country from which they drew their provisions?

A. I am not versed enough in the country to answer that question: nor do I know where they drew their magazine from.

Q. Supposing it to have been practicable, must not the rebel army in that case have either dispersed or been reduced to flight?

A. If their provisions were cut off they must have moved.

Q. Might not the King's army have marched from Mills Town or Hillsborough to the Delaware?

A. Yes, there's a road.

Q. Could the rebel army have disturbed them in that march without quitting their strong post, and hazarding an action on equal terms?

A. They

A. They could give them no effectual annoyance without quitting their camp.

Question repeated.

A. I see nothing to be added to my former answer.

Q. Would not the necessity of quitting the camp, for the purpose mentioned in the last question, have tended to bring on an action in which the enemy could no longer have had the advantage of the situation that they had quitted?

A. I think so.

Q. Might not the King's army have crossed the Delaware at or within ten miles of Trenton?

A. I suppose that the Delaware with the pontons can be passed at many places within ten miles of Trenton.

Q. Have you understood that the King's army in June 1777 was furnished with pontons and carried them into Jersey?

A. I have heard that they had pontons, but not being in the country I don't know the numbers?

Q. In that woody country might not rafts be made within a few days to transport a considerable number of troops?

A. I remember I was asked, when I came home, whether they should not send pontons from hence? I was asked this by General Harvey, and I told him that I thought in that woody country pontons were easier made there than carried from hence.

Q. Have you heard what was the number of the King's army in the Jerseys at the time alluded to in these questions?

A. I remember at the end of that campaign I was giving an account of something that had passed in it to a gentleman of this House; among other inquiries he made one about the numbers; and from the returns and from the information of officers who had been present, I then said that our army was 17,015 men.

Q. What was the number, as nearly as you can say, of the rebel army in the Jerseys at that period?

A. I have heard different reports and very different accounts; some said they were eight, some nine, and some ten thousand men in that camp.

Q. Do you know what is the distance from Hillsborough to the banks of the Delaware or to Trenton?

A. Twenty-two or twenty-three miles.

Q. What is the distance from Trenton to Philadelphia?

A. I believe thirty.

Q. What is the distance from the head of the Elk to Philadelphia?

A. I

A. I don't know.

Q. Which do you understand to be the most plentiful country, and the least difficult for an army to march through, from the head of Elk to Philadelphia, or from Trenton to Philadelphia?

A. I don't know the road from the head of Elk, but I know the other road from Trenton very well; after passing the Delaware there is a wood of four or five miles, afterwards a river to pass, called Neshaminy; the rest of the ground seems plain and practicable.

Q. Had you been at New York, in July 1777, and Sir William Howe, on the embarkation of his army, had asked your opinion, and at the same time had stated that he had received intelligence from General Burgoyne, of General Burgoyne's march from Ticonderoga towards the North River, would you have advised Sir William Howe to proceed with the army to the Chesapeak Bay?

A. I should have been unacquainted still with the motives that Sir William Howe had for going to the Chesapeak, and therefore could not have weighed in my own mind the advantages and disadvantages of different expeditions.

Q. Have you since heard any circumstances or motives that would have decided you to answer that question in the affirmative?

A. I know a number of advantages that would have arisen from the one, but what advantages might have arisen from the other I can't say.

Q. What do mean by the one.

A. I mean by going up the North River.

Q. In speaking of the extraordinary chearfulness of the British sailors on the arrival of M. D'Estaing's squadron, do you attribute it to any mistaken estimate of the state of their own fleet; or is it not to be attributed rather to a well-founded confidence in the naval skill, known wisdom, and gallant spirit of their commander in chief?

A. I believe the character of the commander in chief had a great influence, but at the same time they shewed a great spirit to engage against the enemy.

Q. Was you in Boston in March 1776, when that town was evacuated by the King's troops?

A. Yes.

Q. Was there considerable quantities of linen and woollen merchandizes left in the town when the army evacuated it?

A. I believe so.

Q. Did

Q. Did you understand the rebels to be in great want of those articles?

A. I believe they were.

Q. Could those goods have been removed with the army, in your opinion?

A. I dare say they might.

Q. Were there any vessels left at the wharfs at Boston not destroyed?

A. We took all with us that were fit for going to sea, the rest we left.

Q. Have you understood that those that were left were afterwards fitted out as privateers?

A. They fitted out every thing as privateers that could go to sea.

Q. How many, do you apprehend, of those left at Boston might be fitted out afterwards as privateers?

A. I can't say that.

Q. Can you form any guess of the number left in the port?

A. There were a good many left; don't know how many.

Q. Were there 100 or more?

A. I should think not.

Q. At the evacuation of Boston, and for some time before that, was there any intercourse between New York and Boston?

A. Very little.

Q. Were there vessels that passed and repassed from one port to the other?

A. I recollect some vessels to us from New York; some were lost, and one arrived.

Q. Was information received by that means, or any other, of the state and strength of New York at that time?

A. I knew in general that New York was possessed by the rebels, but I did not know their strength.

Q. Had you reason to believe, or was it then your opinion, that New York might then have been taken possession of by our fleet and troops?

A. I should have thought that General Howe would have done wrong to have gone to New York, with the quantity of provisions we had there, and the crowded transports.

Q. Must not the troops have suffered as much in the crowded transports in their passage to Halifax?

A. No: the voyage was not so long.

Q. Might, or might not, Rhode Island have been taken possession of by our troops at that time?

A. The

A. The General had it in his option to go to Halifax or Rhode Island; they went to Halifax with good reason I believe.

Q. Was not Rhode Island as good a place for the troops to have been supplied with provision during the winter as Halifax?

A. Halifax was friendly; we found some, no great supply of provisions; probably we should have found none at Rhode Island; it was a season of the year for rest, and not for action.

Q. Was you with the army when it landed on Long Island, in 1776?

A. Yes.

Q. From the circumstances of the pursuit of the 27th August, and the manner in which the rebels retreated, do you apprehend the lines at Brooklyn might have been stormed?

A. There was a ridge of heights separated us from the rebels; the rebels had possession of them, and it would have been very difficult to have forced them. General Howe, by making a march in the night, got the better of the difficulty; we got near the rebel camp without their perceiving us. General Howe put himself at the head of the troops, and pushed in between the heights and the rebel lines; by this move we got 2000 prisoners. Some of the troops were going to storm the lines; General Howe thought proper to order them back.

Q. Do you apprehend, in the manner in which the rebels fled to the lines, and in which that part of our army pursued them, that if our troops had not been called back, they would have stormed the lines and carried them?

A. I did not myself know the strength of the lines, nor do I believe General Howe did at that time; I have heard since, that the lines were weakly manned; that Putnam, who had the command there of 7000 men, had detached all to the heights but 300; but this was a circumstance known to nobody at the time; it was a circumstance General Howe could not possibly know, and I did not myself, at the time, think that storming them would have been a proper measure.

Q. Do you know how many cannons there were in the lines and redoubts?

A. I know the rebels fired cannon at us; but I do not know how many they had.

Q. Did you understand that the rebels carried off their heavy

heavy cannon with them? or did they, as it is said in the Gazette, leave their cannon in all their works?

Question objected to. [*Witness withdrew.*

General Robertson *called in again.*

Q. At what time in the morning had you information of the rebels having evacuated the lines?

A. About seven o'clock.

Q. At what time do you understand that the rear guard of the rebels embarked?

A. I have heard between eight and nine.

Q. Have you reason to think it was known earlier at head-quarters?

A. I dare say it was.

Q. At what time had your brigade orders to march.

A. I believe about eight o'clock.

Q. Have you reason to think, from the time the information was first received (as you suppose) at head-quarters, that the rebels might have been come up with before their rear-guard was embarked?

A. The distance from the lines to the ferry was very small; about a mile and a half. On these occasions I had rather speak facts than opinions.

Q. If the facts should be that the rear-guard of the rebels did not embark till between eight and nine, do you think, from your knowledge of the distance, that if your troops had marched at six o'clock, they might have been up with the rear-guard of the rebels before they embarked?

A. The distance from our camp to where the rebels embarked could not be above an hour's march.

Q. Could any of that rear-guard have embarked and escaped in the face of our troops?

A. The place of embarkation, at Brooklyn, is disadvantageous to the embarker, it is commanded by heights.

Q. Do you not think, if the intelligence was known at head-quarters, between four and five o'clock, that measures might have been found to cut off the rear guard of the rebels?

A. If it had been known at four o'clock that the rebels had retreated, I should think there was time enough to have come up with them.

Q. Do you not think it was an object, at that time, to have destroyed as many of the rebel army as possible?

A. At all times.

Q. When did the main body of the rebels halt after the reduction of Fort Lee?

A. The

A. The rebels, on abandoning Fort Lee, marched through Jersey, and passed the Delaware; I believe they made but few halts.

Q. Did they not make a halt at Newark?

A. Yes: I believe they did for two or three days.

Q. Where was the baggage and stores at the time they were at Newark?

A. They lost a good deal at Fort Lee; I believe they had a good deal at Brunswick.

Q. How far is it from Newark to Brunswick?

A. About 26 miles.

Q. How far is it from the ferry at Staten Island, near Amboy, to Brunswick?

A. From the ferry between Staten Island and Amboy to Brunswick, is between six and seven miles; about six miles.

Q. How far is it from the ferry, at the other end of Staten Island, to Elizabeth Town?

A. A mile.

Q. Is not Elizabeth Town on the road from Newark to Brunswick?

A. Directly.

Q. Might not, in your opinion, a sufficient corps have been marched to Brunswick, or to Elizabeth Town, to have cut off those stores of the rebels?

A. I have often heard it said so, and the rebels have published it.

Q. What did the rebels express of this manœuvre, if it had been adopted?

A. I can't recollect the rebels' papers.

Q. Do you remember if they expressed in general, that it would have been a fatal blow to them?

A. They say so.

Q. Did they say, or not, that they looked on it as an interposition of Providence that saved them?

A. I don't recollect those expressions, but the papers may easily be had.

Q. What would have been the consequence to the rebels at Newark, if we had taken possession of their stores at Brunswick?

A. If we had been at Brunswick before the rebels came there in the flight, they must have gone to the mountains.

Q. What detachment do you think might have been sufficient to effect this purpose, considering the strength of the rebels at that time, and the army under Sir William Howe?

A. I believe

A. I believe the rebel army at that time was about 9000 men; it would have required a proportionable detachment to have intercepted them on their march, in their flight.

Q. What number of troops do you suppose might have been a proportionable detachment?

A. I suppose 2000 of ours will always beat 3000 of theirs.

Q. From your knowledge of the state and distribution of our army at that time, do you apprehend 2000 men might have been spared for that purpose?

A. The army that was going with General Clinton to Rhode Island was still at New York; the first brigade was there, and there were seven or eight hundred men on Staten Island.

Q. What was the corps that was going to Rhode Island with General Clinton?

A. Between four and five thousand. [*Withdrew.*

June 10.

House in committee upon American papers, Frederick Montagu, Esq. in the chair.

Major General *Robertson* called in, and examined by several members of the committee.

Q. How many campaigns did the army serve in North America before the reduction of Canada?

A. I think Canada was reduced in 1760; the first campaign was in 1755.

Q. Was you in any one of the armies in each of those campaigns?

A. From the time arrived in America, I acted as quarter-master-general to the army immediately under the commander in chief.

Q. Can you recollect (not minutely) the quantity of force employed by Great Britain for the reduction of Canada only?

A. I think there was one campaign when Sir Jeffrey Amherst had twenty-four or twenty-five regiments under his command.

Q. Was there not a large body of provincials employed in that war?

A. Yes.

Q. Was there not a large fleet employed in that war?

A. There was a fleet, but not a large one: a fifty-gun ship and some frigates were there I remember.

Q. Do you not remember a much larger fleet than that?

A. I did not include in my answer the fleet employed in the river St. Laurence, for the reduction of Quebec.

Q. Do

Q. Do you not remember a considerable fleet employed under Admiral Boscawen at the siege of Louisburgh?

A. Which I did not include in my answer.

Q. Do you not remember a considerable fleet employed in 1757, under Admiral Holborn?

A. There was.

Q. Do you remember the strength of the French in Canada, during that war, (in general, not in detail,) was it very great?

A. I will tell you the number of regiments if I can. If any in Louisburgh and in Canada, they might have employed about sixteen or eighteen regiments.

Q. Of what strength?

A. I am not certain of the strength of the French regiments, but I fancy they might be about four or five hundred men.

Q. Did it not take General Amherst two campaigns to get to Montreal?

A. Yes.

Q. Did it not take the Quebec army two campaigns to get to Montreal?

A. The army that took Quebec came early to Montreal the next campaign.

Q. Can you assign any reason for the province of Canada only employing so considerable a part of the force of the British empire, and for so long a time?

A. The extent of the country, the difficulty of transporting stores and provisions, and the difficulty of getting through so many woods, and over so many lakes.

Q. Do you apprehend that there were any considerable errors in the conduct of that war?

A. I don't know any men less subject to error than those who conducted that war; but I shall never commend anybody's conduct by the lump.

Q. Do you imagine that any one campaign, even under the most successful General, and so little liable to error as you have stated those who commanded in that war, could bear the sort of examination that these last campaigns have been subject to in this house?

A. I hardly know the import of the question.

Q. Could not the campaign of Quebec of 1759, under the conduct of General Wolfe, be examined in so critical a manner as to discover even considerable errors?

A. I have heard of mistakes imputed to General Wolfe, and

and to Cæsar at the battle of Pharsalia; but examination did them both honour.

Question repeated.

A. I have said I believe so, and I have given even a stronger instance than that.

Q. Did not you serve at the siege of Louisburgh, when General Wolfe commanded a separate attack?

A. I served at Louisburgh when General Wolfe commanded a detachment of the army at some distance from head-quarters.

Q. Did you never hear General Wolfe say, that he was blundering day after day; but that he knew that he could not render any very essential service to his country, till he had blundered even some time longer.

A. I never heard General Wolfe say so; but I believe that errors teach people wisdom.

Q. Have you not said that there were only small rivulets which fell into the Hudson's River, on the eastern side?

A. I said that Croton's River was not fordable; but I know of no other but what was.

Q. Do you call the Fish Kill a little rivulet?

A. I did. I have since enquired of persons very much conversant in that country, in order to rectify it if I was in an error. They have told me that the Fish Kill was almost every where fordable.

Q. Do you take up that idea from hearsay, or your own knowledge?

A. I never forded it, but I believe that is the true state of it.

Q. Do you call the Great Warpinger, near Schuyler's Patent, a small rivulet?

A. I have walked over that country, and I don't remember a formidable river; not even the name of that river.

Q. Are there not many degrees between a formidable river and a rivulet?

A. I mean, I don't remember any river that an army would have a difficulty to cross.

Q. Do you call the Kinderhook a rivulet?

A. I don't remember any river there that it would be difficult for an army to cross, on the east side the Hudson's river, but Croton's river.

Q. Is there not a strong post at Kinderhook?

A. I don't remember any particular post that is a strong one.

Q. Do you think that the strength of a river, as an obstacle to an army, consists only in the depth of the water?

A. The height of the banks, and being flanked by hills, and many other circumstances, may make a river difficult to be crossed.

Q. Do you not remember some rivers that fall from the eastward into Hudson's River, that have, from the heavy rains at times, the beds of them shaped like troughs, and some of them one hundred feet deep?

A. Rivers near mountains are subject to great torrents: there may be such beds, but I don't remember them. The space of ground in question is 170 miles: it is impossible from memory to draw a map of it, or to give a description of it.

Q. Do you imagine that you are asked the description of a country 170 miles long, when you are desired to recollect a feature so singular as the last, which could not possibly have missed the observation of a military eye?

A. The country I am desired to describe is 170 miles in extent: there might have been rivulets of different sizes; but I know of none such as the question supposes.

Q. Have you not informed the committee that a ship might go from London-bridge within six miles of Albany?

A. Yes.

Q. What do you mean by a ship?

A. A three-masted vessel, which often goes from London to within six miles of Albany with goods.

Q. Have you not informed the committee that a vessel of force might go within thirty or forty miles of Albany?

A. Yes; and I have since inquired, and found that I have done the river wrong; that they can get nearer.

Q. What do you mean by a ship of force?

A. I mean a frigate; any that draws seventeen feet water.

Q. How near can such a frigate go?

A. Higher than I have spoke of: I was blamed for saying she could not go higher.

Q. Who was you blamed by?

A. I learn from gentlemen who have lived on that river, and have a partiality for it.

Q. Did you never hear that for a good many miles below Albany there are sands and shoals which make the navigation difficult and precarious?

A. There are two that they call Overslaws; one of them twelve miles, and the other six from Albany. The ship I speak

of

of gets over the first, and is obliged to take out part of her loading before she passes the second.

Q. What size are Albany sloops?

A. They are about seventy ton.

Q. Did you never hear or know of sloops of that sort being frequently aground in the river in the summer months?

A. Bad pilotage if they are. I have heard of sloops being on shore, and have seen them on shore, but it has been from bad pilotage.

Q. Do you think that wood upon any spot of a country is the only particular that forms the strength of that part?

A. No: a country may be strong without wood.

Q. Do you think the country from Elizabeth Town to Trenton, in the Jerseys, a strong country?

A. The terms strong and weak countries, if not compared with other countries as a standard, are vague terms.

Q. The question is put to a military man, whether that country which is mentioned in the last question is not a very strong country for military purposes?

A. I know countries stronger, and countries not so strong; I don't know of any particular strength in that route.

Q. If General Howe had meditated a march with his army from Elizabeth Town to Trenton, and never had seen that country himself, but had sent for you (as having been quarter-master-general) to report to him the practicability or impracticability of such a march, what would you have answered to General Howe in those circumstances, the rebels being in force in that part?

A. I should have drawn a sketch of the country, and have shewn General Howe where the strong and weak parts of the country were, and have formed a plan how best to avoid any difficulties, and I don't remember any that were impracticable; and in marching, for the space of ground, if any, as many difficulties might be met with in going to Sussex.

Q. Did you think that some little time before the rebellion, a little discretion, or a grain of prudence in the British councils would not have prevented that rebellion?

A. A military man is not competent to judge of the motives of the King's councils.

Question repeated.

A. I can't accuse the King's councils with the want of a grain of prudence: I have always been taught to think with more respect of the King's councils than to speak of them in such terms.

Q. Did you never hold that language yourself?

A. I hope not: if I did, I did very wrong.

Q. Did you hold that language at home or abroad?

A. I never said I held such language.

Q. Did you or not hold it?

A. I cannot answer that my words have been discreet on every occasion: if they have not been so, I don't come here to confess it.

Q. You have said that the force employed in 1776 was adequate to the object of the war: what do you conceive were the objects of the war?

A. The object of the war was to enable the loyal subjects of America to get free from the tyranny of the rebels, and to let the country follow its inclination, by returning to the King's government.

Q. Were these objects attained?

A. I am sorry they were not.

Q. Whose fault was it that they were not?

A. I don't pretend to say that.

Q. Was nobody to blame?

A. I can't say that neither.

Q. Who was to blame?

A. I don't pretend to say: it may be known from a history of the war, and the politics of the country; folios have been written on that subject.

Q. Was it Sir William Howe's fault?

A. I am glad of an opportunity to say that I believe that General Howe never took a measure he did not think for the best: as often as I did not think it such, I distrusted my own judgment, and believed I was unacquainted with the motives that led him to take any measure that I did not approve of; but no man's conduct can be blamed or praised by me by the lump: as far as my small capacity extends, I am ready to praise or blame any part of his conduct.

Q. Do you think that Sir William Howe ever omitted an opportunity, all circumstances considered, of bringing the enemy to an action?

A. I apprehend the answer I have given is an answer to every general question of that kind; I can only answer any particular fact.

Q. Was you in any one offensive operation of the war, except that on Long Island and York Island?

A. I believe not.

Question repeated.

A. I don't remember I was in any other: but at the same time

time give me leave to say, that I never omitted an opportunity of being in any other.

Q. Can you give the committee any information respecting the action of the White Plains.

A. I was not there.

Q. Did you ever hear any reason assigned for Sir William Howe's not being able to pursue the rebels?

A. I would not trouble the committee with idle talk; I can say nothing that would give the committee information on that subject.

Q. Did you think the force, sent out in 1776, was adequate to the subduing the Americans?

A. I never had an idea of subduing the Americans; I meant to assist the good Americans to subdue the bad ones.

Q. Did you think it adequate to the enabling the good Americans to subdue the bad ones?

A. Yes: I think the force we had, with persuasions and other advantages we had to make use of, was adequate to the subduing the rebellion.

Q. Did not you return to this country in the beginning of the year 1777?

A. Yes.

Q. Did you communicate the observations you made on the errors of the campaign 1776, to the ministry at home?

A. I don't remember I had any opportunity of conversing with a minister above an hour in all my life. I had not the honour of being allowed to enter into a detail of the campaign with them.

Q. Is the committee then to understand from you, that the ministers never consulted an officer of your rank, who had been twenty-four years in that country, quarter-master-general, and as general officer, to get your opinion of the best method of carrying on the war?

A. I related to the committee yesterday the greatest part of the conversation I had with the minister; the result of which was, that lodging every power with the commander in chief to form his own plans, and take advantages of circumstances, was the best method of having a war carried on at such a distance. They trusted so much to General Howe's experience, that they needed no advice from me.

Q. Do you think that the force in America, for 1777, was adequate to the subduing the rebellion?

A. That is according to the plan that might be adopted; it certainly was equal to some plan. Our army was equal

to beat any rebel army, and the choice of situation depended on us.

Q. Do you imagine, from the knowledge of the country, that the war was likely to be a war of battles, and not a war of posts?

A. Even that depends on the way we directed our course.

Q. Do you imagine the force in America, in 1778, was adequate to the subduing the rebellion?

A. Some circumstances occurred in that year, such as the arrival of the French fleet, which prevented that army from carrying on so many offensive operations as otherwise we might have done?

Q. Do you imagine the force for North America for 1779, is adequate for the subduing the rebellion?

A. I hope it will prove so; but the subduing the rebellion depends more on our management than our force.

Q. Have you seen the application of Sir William Howe, for a large reinforcement, in order to enable him to put an end to the war?

A. I have read the letter; it is before the committee.

Q. Have you heard that General Clinton has asked for a less reinforcement?

A. I have heard Sir Henry Clinton has desired a reinforcement, but what they are I don't know.

Q. Can you inform the committee of any prospect you see of an end to this war?

A. I am not sanguine enough to say that I see where it will end; but I hope it will end successfully; I hope we may gain the people, by letting them know that we don't mean to forsake them; that we are their friends, and consider a great part of them as ours; that would be an agreeable way of ending the rebellion; to end it by conquest, and to keep that country by arms only, would be burdensome.

Q. Do you know of any measures, or the employment of any men, as fit and proper to bring this war to a conclusion?

A. The people who have the disposal of these offices are much better judges than I am of their merits; it certainly would be better if we could have the service of old officers, who have been long in that country, and know the face of it.

Sir *William Howe.* Q. Do you know what number of pieces of cannon were taken, on the enemy's evacuating the lines at Brooklyn?

A. I really don't remember.

Q. To

Q. To your knowledge, was the attention of Sir William Howe, to distinguish and promote the meritorious officers of the British army, extended equally to those of every description?

A. I believe Sir William Howe promoted the officers he thought best of.

Q. Were not some inhabitants armed on Long Island and in Chester county, that were not inlisted in the provincial corps?

A. I believe so; I think arms were given out to them at desire.

Q. Had we put arms into the hands of the few inhabitants we found in their habitations in other parts of the country, (Staten Island excepted), are you of opinion they would have been used for the King's service?

A. Arms given without distinction might have been made an ill use of; there might have been many people there that would have made an ill use of arms; I mean throughout the whole country that we passed through.

Q. You have said there was a great deal of plundering; will you ascertain where and when?

A. The places where I first saw the effect of it was on Long Island; the next on New York Island.

Q. Do you know of a great deal of plundering in any other part of the country?

A. It has been observed that these are the only two places in which I accompanied the army; I have heard that in other places there has been a great deal of plunder committed.

Q. Will you explain the degree of plunder, within your own knowledge, on Long Island and York Island?

A. When I landed first, I found in all the farms the poultry, cows, and farm stocked; when I passed some time afterwards, I found nothing alive; these were some reasons that appeared publicly to me; I saw some men hanged, by Sir William Howe's orders, for plundering; and I have heard, that after Mr. Washington took the Hessians at Trenton, he restored to the inhabitants twenty-one waggon loads of plunder he had found among their baggage.

Q. Did you ever hear of any orders from the convention of New York for the inhabitants to drive off their cattle and stock?

A. I have seen such a publication.

Q. Did not Sir William Howe give repeated orders to prevent plundering?

A. I have said so.

Q. Do you know, or ever hear, that the Hessian troops were encouraged to go to America by the hopes of plunder?

A. I have heard say, that the Hessians, before they went away, were told that they were going to a country where they would have great plunder; but I don't say that any Hessian officer ever made use of expressions of that sort.

Q. Do you believe that the Hessians looked on America as an enemy's country.

A. I believe so: the Hessians were ignorant of the people; when they saw these people in arms, it was natural for them, who did not know the people, to think they were enemies; people better informed too much adopted the notion.

Q. From your experience of war in Europe, did you observe, that there was more plundering in America than there would have been by an army in an enemy's country in Europe?

A. The practice of armies in Europe is very different; some people in Europe would not let their army plunder, even in an enemy's country.

Q. Are you of opinion that Sir William Howe took every proper means to prevent plundering in his power?

A. I dare say, by Sir William Howe's orders, and by what I know of them, he wished to prevent it; and, I dare say, he took the means that occurred to him to do it.

Q. You have said, "A number of officers lately come into the country, and who entertained a notion that Americans were enemies, perhaps did not take enough of care to prevent soldiers from gratifying themselves at the expence of the people, so that plundering was very frequent:"—you will therefore explain what officers you meant, and what particular facts you alluded to?

A. I had been asked if I stopped plundering; I answered, "Yes": in order to account for that not happening in every other brigade, I said, that the officers, who had lately come into the country, had not the same sense that I had of the merits and dispositions of the people; and that it was from this want that the commander in chief's orders were not carried into execution in every other brigade; the reflection was general, and did not allude to any particular fact.

Q. Do you know of any particular instance where the orders you allude to were disobeyed?

A. As often as plunder was committed the order was disobeyed.

Question

Question repeated.

A. I don't know any other answer I can give; I should wish to satisfy every question that is asked; I don't know how to satisfy it more.

Q. From the evidence you have before given, can you say that any officers did not do their duty, in preventing plundering, agreeably to the general's orders?

A. I have no particular accusation against any officer.

Q. You have said that in your own brigade, after your orders had been read to the soldiers, there was no more plundering by the soldiers of that brigade; how long did you command that brigade after the time you speak of?

A. Till the 16th of September, when I went to the command at New-York.

Q. Did Sir William Howe ever omit any proper encouragement for the raising the provincial corps?

A. I have not said so; and I am glad to say now, that Sir William Howe took a great deal of pains to raise them.

Q. Would not the militia colonels commanding our lieutenant-colonels, have been, in your opinion, a detriment to the King's service?

A. In many instances it would have been a hardship on the military officer, and, probably given an improper command to the Provincial; but how far these particular cases balanced the general policy of engaging the best Provincials to enter into our service, I don't take on me to determine.

Q. What do you mean by the best Provincials?

A. I mean the principal and most important inhabitants of the country.

Q. Do you mean for officers or soldiers?

A. I must mean officers; the soldiers would not have been affected by the officers rank.

Q. Did you ever hear any gentlemen of that description express themselves to that purpose?

A. I have already said, I never heard a provincial officer complain.

Q. I mean gentlemen of consequence in the country not admitted into the provincial corps in our service?

A. No; I heard no complaint on the subject.

Q. Do you know whether Sir William Howe had power of granting half-pay to the officers of the provincial corps?

A. I believe he had not; I never heard he had.

Q. Can you speak, with any degree of precision, as to the number of men raised by the rebels in 1777?

A. When

A. When I have questioned people on that subject, I did not enter into the detail of their particular corps; but I have often heard, from the people I could learn the best from, that, as I have said, they did not get one half.

Q. Will you inform the committee what you mean by half?

A. Half of the number that they voted.

Q. You don't know the number they really got.

A. No.

Q. You have said, that we have had 52,815 men in North America, and of those, that Sir William Howe had under his command 40,874: you will give the particulars of those 40,874, and from whence you got those numbers?

A. I took them from the general returns.

Q. Signed by whom?

A. I employed people to extract them; I did not do it myself: I fancy they are signed by the commander in chief.

Q. How long have you been in possession of those numbers?

A. Some of them were returns lying by me: some of them I have had on a supposition that I should be examined about them in this house, that were put into my hands for the purpose. [*Withdrew.*

Called in again.

I wished to be able to give this house exact information. It occurred to me that questions might be asked me about numbers: from my own papers, and from returns at the public offices, I extracted the few papers in my hand.

Q. From what offices did you receive the returns from whence you have given the extracts, and when did you apply for them?

A. I applied since I knew I was to be called to this bar: I applied wherever I thought I could find the paper I wanted: I asked for it at all the offices; none of them refused me: I was principally obliged to the clerks of the war-office.

Q. Explain what you mean by the number of troops being 29,478 fit for duty? how this difference arises between that number and 40,874 under the command of Sir William Howe in 1777?

A. The 40,874 was formed in this manner:

At New-York - -	37512
Halifax - - - -	1768
Florida - - - -	1594
Total	40,874

These

These were the totals, including sick. The returns making the number under Sir William Howe's command 29,478 is formed from those fit for duty only, and it did not contain Halifax nor Florida.

Q. Do you include the Provincials in that number?

A. The returns do not make that distinction; but I apprehend it does.

Q. Mention the time in 1777?

A. I have had this return in my possession a good while; it is the first of August 1777.

Q. Do you, in the 40,874, include the absent out of America?

A. No. I fancy it is a return of what were in America.

Q. In the distribution of the numbers in 1777 of 15,834, under Sir William Howe's immediate command fit for duty, do you include all the officers, non-commissioned officers and drummers?

A. Yes.

Q. Do you know then the number of rank and file under Sir William Howe's immediate command?

A. Yes; 15,834.

Q. Was you in America on the 1st of August 1777?

A. No; but the major of brigade, from whom I had the return, was.

Q. How do you make out the number of 40,874, having stated 15,834 under the immediate command of Sir William Howe, 10,189 under General Clinton, 3455 at Rhode Island, 1760 at Halifax, 1594 at Florida?

A. The one return includes all the sick. The return I mentioned of Sir William Howe's includes only those in the field then: the returns are of different periods. A very sensible observer, about the number of armies, says, a campaign generally destroys one-third of them.

Q. Did not you state this to be the return on the 1st of August 1777?

A. Yes.

Q. Then do you mean to state 8042 men to be the number of sick and absent; or how do you state the distribution of that number on the 1st of August 1777?

A. The return of Sir William Howe's, as given in by me—one is the return of the effectives, and the other is the return of all the men that were then in pay in America.

Q. Do you suppose the number of 8042 were sick at any one time in the American war, or half of them?

A. There

A. There were sick—prisoners with the rebels—I have extracted mine from the general return, which amounts to 40,874; the other is from the return of the major of brigade of men fit for duty.

Q. Whether what you have told the committee, respecting these returns, is of your own knowledge, or only information received from other people, or from office?

A. They are from returns, either in my own possession or from office.

Q. Do you speak this from your own knowledge?

A. It is from the returns I took them.

Q. Is it possible for any individual, from his own personal knowledge, to give evidence as to the actual numbers of an army?

A. It is not for me. Cæsar might have been able to call over his own army.

Q. Did you ever see the victualling returns of the army in 1777?

A. I never examined them. I have seen them, but never examined them with the attention proper to give evidence from.

Q. Did you ever hear that in August 1777, there were 40,000 men victualled, exclusive of the followers of the army?

A. I really can't say from my own knowledge; but, if I was to speak from my own belief, the victualling returns in America would surpass that number, in that part of America where the troops were under Sir William Howe's command.

Q. You have said that force was equal to the object of the war at that time, and the reason given was, that it could beat any force the rebels could produce against it; had you any other reason to give for that assertion?

A. I have given no other reason. If I knew the aim of the question, I would endeavour to answer it in any other manner. I have already engrossed too much of the house's time by giving them my opinion as to the manner of subduing the rebellion. With a force equal to beat any the rebels could bring against it, with the other advantages I have named, and many I have not named, I think the force adequate.

Q. What were those advantages which you have not named?

A. One

A. One great one was a fleet, ready to transport us to such scenes of action as we chose, with more union and promptitude than the enemy could travel; magazines at our command; every thing necessary that this country could afford as well as if we had been near our magazines: these are among the number of advantages: I need not trouble the house with any more.

Q. What force could the rebels at any time bring against us, in the district where Sir William Howe commanded?

A. I never heard, from good authority, of a rebel army that exceeded 16,030 men collected in one place.

Q. Do you mean 16,000 rank and file?

A. I fancy they include officers.

Q. Do you know whether Sir William Howe had, at any one time, in force, an army consisting of a larger number than 16,000 men?

A. Yes, I apprehend so. When Sir William Howe left Jersey he brought over 17,045 men; the armies at New York were then all at his disposal, and within his reach. From the returns I have shewn, these appeared to be 10,189. I will explain how that difference arises; the 15,000 is the number that embarked with Sir William Howe; of the 17,000 that came from Jersey, he left part with Sir Henry Clinton; so that, correctly speaking, both these armies could be but 25,000 men.

Q. How do you know that Sir William Howe had 17,000 men in the Jerseys?

A. Besides the men that embarked with him, included in the 15,000, he had in Jersey some other corps, which he left with General Clinton: he had likewise the Queen's Rangers, which are not included in the return.

Q. Were there no troops taken from New York to embark for the southern expedition?

A. All I can say about the exactness of the number of 17,000 is this: I wanted to send home an exact account to a gentleman in this house: I got Major Smith, a major of brigade, and Major Wemys, a very exact and intelligent officer; and it was with their assistance, and from the information, that I made that return; it is a good while ago, and I can't be exact in the particulars.

Q. Do you know how the 17,000 you speak of were disposed of in the Jerseys?

A. I was not then in the country, and can't answer that exactly:

exactly: that was the number, I believe, that came to Staten Island; that number includes commissioned and non-commissioned officers.

Q. How could you, in 1777, have disposed of Sir William Howe's force for the possession of the Hudson's River?

A. In order to get possession of Hudson's River, I would have embarked (after being in possession of the highlands,) the army and gone up the Hudson's River; New York, in that situation, would have been secure, and a part of the force left with Sir Henry Clinton would then have been at liberty to threaten an invasion along the coast of New England. I apprehend those two moves would have rendered Mr. Burgoyne secure, and have saved his army; and a junction with Mr. Burgoyne would then have given us possession of all the advantages that the North River affords.

Q. Do you know the force of the rebel army at that time in the Jerseys, and in the province of New York?

A. I have heard Mr. Washington's force was eight, nine, or ten thousand men. The troops that formed the army which Mr. Gates took possession of at that period were 2700.

Q. Where was the force of General Washington posted at that time?

A. When General Howe left Jersey, it was in his strong camp near Morris-Town.

Q. Do you know what corps of rebels General Sullivan had with him at that time?

A. There was a rebel army somewhere on the North River; I don't know whether it was commanded by Sullivan; I could not be exact in that.

Q. Do you know what force General Putnam had in the highlands at that time?

A. I understood that Putnam, after Sir William Howe sailed to the southward, made a detachment to General Gates's army. I have heard he had but a few after it; and that the detachment he made was two brigades.

Q. Then you don't know the force of the three corps named, exclusive of that under General Gates?

A. Not with any sort of exactness.

Q. Can you, under those circumstances, be a judge of the defence the enemy could have made in the highlands?

A. I have supposed the highlands in our possession. I would not have embarked the army to go to Albany while the rebels were in possession of the highlands.

Q. Then you have no opinion to give of the difficulty of getting possession of the highlands?

A. The highlands being taken afterwards, may give us an idea of the force that was necessary to take them at that time; we know what force took those posts afterwards. Had General Howe's plan been fixed to go up the North River, he probably would have made himself master of these posts earlier in the season, when they were weaker.

Q. What force had Sir Henry Clinton with him when he took possession of those posts?

A. I can't be particular, but I dare say between two and three thousand men.

Q. What force had the enemy opposed to him?

A. They had not many hundred men; three or four hundred perhaps; but their forts were fully manned.

Q. Suppose the rebel army had consisted of 15,000 men at the beginning of the campaign, would the possession of the highlands have been readily accomplished?

A. I have said, that if General Howe's plan had been fixed to go up the North River, I suppose those posts would have been taken earlier in the spring, when they were much weaker than when Sir Henry Clinton took them.

Q. What do you mean by much weaker?

A. I mean less fortified.

Q. Do you know whether Fort Montgomery had a ditch to it?

A. When our people stormed it they found a difficulty of getting through the abbatis; but I never heard of any difficulty of getting into the fort when they came near it.

Q. Do you know when that abbatis was placed round the fort?

A. Some of the officers there told me they found it very fresh.

Q. Do you know whether the fort was in a strong condition of defence early in the spring or not?

A. If any, it was a good deal improved since the spring.

Q. What distance is Fort Montgomery from New York?

A. Forty-seven or forty-eight miles.

Q. Is there a great deal of snow in the highlands in the winter and spring?

A. Yes.

Q. Is there any difference of climate, with respect to health, in the provinces of New York and Pennsylvania?

A. I

A. I imagine New York is the healthiest; Philadelphia people don't admit it so.

Q. What was the date of the letter mentioned in the former part of your evidence, to be sent by you to a member of this house, respecting the expedition to the southward?

A. I can't particularly say the day. I wrote soon after I arrived at New York, and before I knew the misfortune that had happened to General Burgoyne's army.

Q. When did you arrive at New York?

A. I think about the 25th of September.

Q. Did you write that letter before Sir Henry Clinton went up the river?

A. About the time that Sir Henry Clinton went up the river; I was taken ill soon after he went up, and could not write; so that it must be before he went up.

Q. Are you certain that you gave no account in that letter of Sir Henry Clinton's expedition up the river?

A. If I did I must have got somebody else to write the letter; I could not write it myself.

Q. Had you then heard of the action that passed on the 19th of September between General Burgoyne and the rebel army?

A. Yes; at the time I wrote the letter, we had no unfavourable accounts from General Burgoyne.

Q. Do you think then, that that action was favourable to General Burgoyne towards his arriving at Albany?

A. The only letter I know of from General Burgoyne was one giving an account of the rebels having quitted the field, and having left some hundreds of their men on the field of battle. The conclusion I drew was not from any misfortune that happened to Mr. Burgoyne, but from the situation his army was in.

Q. In what relation of situation do you mean?

A. The communication with his posts being cut off, the rebels being round him, and encreasing every day.

Q. Then you did not think General Burgoyne got any advantage by his victory towards his getting to Albany?

A. I did not think such an advantage, as was described in the letter I saw, secured him a way to Albany.

Q. Do you conceive that a movement to Albany by Sir William Howe would have had any effect to diminish the rebel force that was opposed to the progress of his Majesty's arms in that province?

A. Two such moves as I have described, going up the North

North River, and making detachments to appear on the coast of New England, would have prevented the growth of the rebel army.

Q. What force would have been adequate to that diversion on the coast of New England?

A. The greater the force, the more serious the diversion would have appeared: but even any appearance on the coast would have kept at home a great number of the New England militia.

Q. What force do you think taken from Sir Henry Clinton's command would have been sufficient for that purpose?

A. Two or three thousand men.

Q. If you had had the command of two or three thousand men on that service, would you have landed with that force in any of the inhabited parts of New England?

A. I would have made landing where I could, and have embarked again. A landing and not a possession would have been my aim.

Q. Wherever you had landed, do you think the rebels would not have had a superior force to have opposed to yours?

A. In time they would. When an invasion appears, people always suppose a great force. Before that error was corrected, I should have got on board again.

Q. Did you ever hear of the expedition to Danbury?

A. Yes.

Q. Do you know the opposition that that corps met with at that time?

A. They marched far into the country. They had an object of destroying the magazines in a populous country, and were nearly cut off in their retreat.

Q. Is that country more populous than other parts of New England?

A. Connecticut is much more populous than other parts of New England?

Q. Then you would not have landed on the coast of Connecticut at all?

A. I should have landed only where I could have landed with safety, and perhaps the coast of Connecticut was the least so.

Q. What sea force would you think necessary on such an occasion?

A. I should only have wished for as much as would have

protected me from the rebel privateers, and would have furnished me with boats to land with.

Q. What number of boats would have been requisite for such an occasion?

A. Besides the ships boats and long boats, I should have been glad to have had about sixteen or twenty of our flat-bottomed boats.

Q. Do you know what length of time the troops that went on the Danbury expedition were on shore?

A. I fancy three or four days.

Q. Whether, after having once landed on the coast of New England, and that your force and intention of re-embarking again without prosecuting any advantages should be known, what effect your longer stay on the coast would be likely to produce, by way of creating a diversion to the enemy's force?

A. The appearance of a fleet creates an alarm in places where it appears off; a preparation to land gives the alarm there; every movement the fleet makes gives a new alarm to a fresh place. A landing, where you run no risk, realizes the imagination, by passing along the coast. The fear natural to the human mind, that every great mischief will fall upon yourself, would have operated on the different villages, and called the militia back to their defence.

Q. Do you esteem every part of the country equally assailable in that manner?

A. It is not all equally difficult. Where the people saw themselves safest, they would be the least alarmed.

Q. What lines were they that Colonel Cadwallader told you were quitted on the appearance of a Dutch fleet sailing from the Hook?

A. The lines upon the heights that covered Fort Washington were very extensive. The rebels did not defend their first lines. Cadwallader was giving me the reason why they did not; it was meant they should be occupied by a greater force; that force was on its march, and recalled, upon the sailing of the Dutch transports, the rebels fancying Philadelphia or the coast of Jersey might be in danger from the appearance of that fleet.

Q. What force was it that the rebels were marching?

A. Cadwallader told me three or four thousand men were coming to his assistance.

Q. Where was that force when it stopped and turned back?

A. It

A. It was marching through Jersey in order to give an additional force at Fort Washington.

Q. Was it at Newark, Elizabeth-town, or Amboy?

A. I don't recollect the places near where it was; but the instance I produced it for, was to shew than an alarm would recall troops.

Q. Do you know whether those troops were the militia of Jersey?

A. I know no other circumstance relating to them. I quoted them to shew that a false alarm might operate the effect I have been speaking of.

Q. How would you establish a communication between Albany and New York?

A. My desire to answer every question Sir William Howe does me the honour to ask, would lead me to give a direct answer to that question, from the latest accounts I have had of that country: but a moment's thought made me see the impropriety of that; I can only say that country, I believe, is very favourable to us.

Q. Do you know of any instance of many of the inhabitants of any colony having taken arms in support of the King's authority, during the time of the King's army being in such province?

A. People will not take up arms where they do not expect a lasting support. I would not bid them till a plan for being regularly armed and lastingly supported can be held out to them. The possession of the North River, and the easy assistance that they could receive from New York, might put the people in such a situation as I have described; and then I might expect great numbers to appear for the King's cause and their own.

Q. Are you of opinion that the inhabitants could have been protected by the King's authority had not General Washington's army been previously defeated?

A. I am of opinion that, by possession of the North River, our army would have assisted them more readily than Mr. Washington's could have annoyed them; and if any action could have been brought on in this contest, that the army possessed of a fleet would have decisive advantages.

Q. What number of months in a year is the navigation of the Hudson's River open for shipping?

A. I remember one year it was never shut; but most years the sloops that pass between New York and Albany

are laid up the middle of November, and probably don't navigate again till the 10th of March.

Q. How would the army be placed for the protection of the inhabitants during that time?

A. The inhabitants on that river side are numerous, and, if armed, could collect and oppose a rebel force, which could not be very great in winter, when the troops can't keep the field; if we did not care for the first year to trust them absolutely to their own defence, we might, with great conveniency to our troops, quarter numbers of them among them.

Q. Have you ever heard that the King's army, under Sir William Howe, found any number of inhabitants in actual rebellion that they did not disarm?

A. No.

Q. When, and in what mode, did you take the numbers of the inhabitants at New York, on our first possessing it; and how many males did you find among them, exclusive of merchants and others that came with the fleet?

A. I divided the town into its usual number of wards; upon my taking the command there, each ward was put under a respectable inhabitant: I desired them, from time to time, to bring a list of the people of the wards; when I left New York, in the February after, I summed up the last returns of the people, and found they amounted to 11,000: I don't remember that I made any distinction at the time, as the question proposes, I only know the total of the people when I left the country.

Q. Were there any sailors in that number?

A. I took the number of the inhabitants, so if there were sailors in that number, they were inhabitants of the town.

Q. You have said that Philadelphia was evacuated to save the West Indies effectually; do you know when Dominica was taken?

A. I know Dominica was taken, and that St. Lucia is taken, and that Barbadoes, Tobago, and St. Vincent's are in our hands.

Q. Do you think it necessary to keep a large body of troops in the West Indies, for the preservation of our islands, in time of war?

A. I have not considered that subject enough to give an answer to that question, to give light to the House: if the French have a force there, I suppose we must have one.

Q. Do you not think a superior fleet is the best protection for the West India Islands?

A. I fancy

A. I fancy so: but it, perhaps, may not be the only necessary defence.

Q. What time did the expedition sail under General Grant?

A. I believe about the beginning of November.

Q. From what cause was that expedition so long detained?

A. While the French fleet was on the coast, and superior in those seas, it was not thought proper, I suppose, to send them away, or to venture them at sea.

Q. How many pontons do you think would be necessary to cross the Delaware, at Trenton or Corriel's Ferry?

A. I neither know the breadth of the river, nor the length of the pontons; I may guess wrong; I should think the river at Trenton is seven or eight hundred yards wide.

Q. Did you ever see a bridge of pontons?

A. I have seen, in America, bridges made over rivers in that way; not regular pontons; we fastened them together; fixed them with weights, so that waggons went over them very easily.

Q. Do you know what number of pontons would be necessary to have a bridge over a river seven or eight hundred yards wide?

A. My wish is to answer every question; some may lead me to discover my ignorance on subjects on which I have hardly ever been conversant. The science of making bridges has not lately fallen under my consideration; but if it tends to any information the general wishes, I will endeavour to recollect myself.

Q. Would seventy pontons have formed a bridge of seven hundred yards?

A. If you will allow me to retire, I will bring an account in a few minutes.

Q. Must there not be a great apparatus for carrying so many pontons, and a great quantity of cordage necessary to make a long bridge?

A. Certainly there would, so much, that I would rather try to make most of them with materials I found on the spot.

Q. How long do you think a bridge of rafts would be making of 700 yards long?

A. The people of that country are very dextrous at their axes; woods grow on the side of the river; beams of houses might be made use of; the country supplies such materials as I should think, that in eight or ten days, over the Delaware,

one might make such a bridge; I think Cæsar's bridge over the Rhine cost him but ten days.

Q. Are you of opinion that we could have made that bridge over the river Delaware, with the corps of the enemy on the other side of the river?

A. I have not said that I would make a bridge, nor have I spoke of the propriety of making a bridge; I have only answered the questions the general asked me.

Q. Whether you think that Sir William Howe could have crossed the river Delaware on rafts, or on a bridge made of rafts, a corps of the enemy being on the other side of the river?

A. It would be very difficult to make such a bridge with the enemy opposing you. The course of the Delaware is pretty long; and it is not without example that more difficult rivers have been passed in that situation.

Q. Upon rafts?

A. Upon rafts or pontons, or such means as they have been able to acquire. The Rhine, the Rhone, and the Danube have been passed in that manner, with the enemy on the other side.

Q. Do you mean by this to say, that the enemy were on the opposite side immediately to where the bridge was made?

A. The possession of cannon and the higher banks gives advantages in passing rivers, that the instances I had in my eye were without.

Q. What sort of cannon, what callibre, do you allude to, as necessary to pass a river 700 yards wide?

A. I suppose our twelve pounders, even six pounders would throw shot the distance I have mentioned.

Q. Are you acquainted with the shore of the Delaware about Corriel's Ferry?

A. I have passed there; and have come down the sides of that river.

Q. Is it not very irregular and woody on the Jersey side?

A. I believe it is: there are few ferries, because there are many stones which would favour the rafts I speak of.

Q. Do you know any spot near Corriel's Ferry where you would pass an army on rafts, with an enemy on the opposite side?

A. I have not local knowledge enough to say what place it would be: I am far from suggesting it as an easy measure.

Q. Do you know, or did you ever hear, that there was a *corps of troops* under General Sullivan, between Sir William Howe's

Howe's army and the Delaware, at the same time we lay at Middlebush?

A. Yes; I have heard so.

Q. Where was you when the rebel rear-guard passed Brooklyn Ferry on the evacuation of the lines?

A. I marched with my brigade towards Brooklyn Ferry; when I came near the lines I received notice that a rebel army was landing under General Lee, at Hell-Gate; I received orders to march there to oppose him; so I did not follow the rebels to Brooklyn.

Q. When did you march in consequence of the orders you just now mentioned?

A. I received the order about eight o'clock, and I marched immediately.

Q. Do you know where Lord Cornwallis marched on that occasion?

A. Lord Cornwallis was at Newtown; I marched and joined him.

Q. Do you know when Lord Cornwallis marched?

A. I can't say; my orders were to join Lord Cornwallis: I cannot say when he went there.

Q. Do you know at what time Sir William Howe received intelligence that the rebels had evacuated their lines?

A. Captain Balfour came and acquainted me, that the rebels had quitted the lines; he acquainted me about seven o'clock; I immediately got the brigade under arms, and sent notice I was ready. I waited till I received an order to march.

Q. Do you know whether the light infantry and the guards had marched before you did?

A. I fancy they had; I saw troops before me, but did not know who they were.

Q. Can you say whether you saw the light infantry that morning?

A. The troops I saw were probably the light infantry: but I can't say what troops I saw; I believe they might have been the light infantry, but I was not near enough to say so of my own knowledge.

Q. Do you know whether any rebel prisoners were taken at the ferry at that time?

A. I have heard there were.

Q. Do you know whether Sir William Howe took immediate care to follow the enemy as soon as he was informed of their evacuating the lines?

A. Sir William Howe was always alert; I sent my aid-du-camp to head-quarters, to give notice that my brigade was

ready to march; when he returned, he told me Sir William was gone out, I apprehend to head some part of the army.

Q. On what do you found your opinion, that Sir William Howe could not be a judge of the force of the enemy's lines on the 27th of August?

A. I marched at the head of my brigade to a place near the enemy's lines; I went to the situation where I thought I could see them best from, without leaving my brigade far, and I could not make any judgment of the strength of the enemy's lines from any place I could see them: this made me wish that the grenadiers would not go on, and pleased to think that my ideas corresponded with Sir William Howe's: I imagined that the general called back the troops, because he was unable to form a just estimate of the force of the lines.

Q. Were not that part of the grenadiers, and the 33d regiment that were ordered back, considerably advanced before the 1st brigade which you commanded?

A. They were.

Q. Did you see them when ordered back? In what situation were they?

A. I can't say particularly; I don't remember; they were certainly near the lines when they were ordered back.

Q. Do you remember the ground so particularly, where the 1st brigade halted, as to say, whether it was possible for you to see the grenadiers and the 33d regiment in the position you have just referred to?

A. I knew the ground perfectly well; I believe the distance I was from the lines might be one hundred and twenty, or one hundred and thirty yards: the grenadiers were more to my left; but I can't say how situated with respect to the lines.

Q. Do you really think you was so near as within 130 yards of the lines?

A. I can't be particularly positive as to distances; I am recollecting the face of the ground, which I have often travelled over; I fancy the distance might be about what I say, or a little more.

Q. Do you know where we broke ground for attacking the lines?

A. Yes.

Q. Do you recollect the distance of that from the lines?

A. A good deal more to the right of the ground I speak of; the rebels *forte* might retire there; I think there was some part of the lines within nearly the distance I have mentioned.

Q. Had

Q. Had you passed the road from Brooklyn to Flat Bush when you halted?

A. Yes, there are two roads meet; I had considerably passed that meeting before I halted?

Q. When you halted was not there a road between you and the lines that went on to Yellow Hook?

A. Yes; I halted near that very road.

Q. Was not the grenadiers and the 33d regiment nearer the lines than the road that was between you and the lines?

A. Yes; I believe so.

Q. Do you recollect the grenadiers and the 33d regiment running across a field beyond the Flat Bush roads towards the lines?

A. Yes.

Q. Do you know, when Sir William Howe ordered those troops back, whether they were moving or had halted for some time?

A. I understood that the grenadiers under Colonel Stuart were moving on when they were called back.

Q. You then don't know of your own knowledge?

A. No; I was minding my brigade.

Q. Do you know whether General Vaughan sent to Sir William Howe to know whether he should go on to attack the lines, and that his answer was, to order them back?

A. I have heard so.

Q. Do you know where Sir William Howe was when he received that message?

A. I dare say that he was near the front of the army.

Q. Did you ever hear that he was near the grenadiers?

A. I really don't know where he was.

Committee. Q. Did your brigade suffer much from the fire of the enemy whilst you was at the distance you describe of one hundred and twenty, or one hundred and thirty yards from the lines?

A. A great number of shot came over us; some men were killed.

Q. By cannon or small arms?

A. Some of our men were wounded by small arms; a good many cannon shot were fired.

Q. Did the cannon-shot fly over or hit?

A. It flew over.

Q. Do you apprehend or not, the reason of their flying over to be, that you was got in so near the lines?

A. They did not point them well.

Q. Don't

Q. Don't you think if the rebel lines had been forced at that time, that all the corps of the rebels might have been taken or destroyed?

A. All that were on Long-Island.

Sir *William Howe*. Q. Do you recollect whether the 71st regiment was not in the road in the front of the brigade, betwixt you and the lines?

A. I don't remember any being in that road before me; I walked to a house a good way before, called Covingover, and I saw nobody on the road before me.

Q. Was not the 71st regiment ordered to that very road, and to that very house, and took possession of it just after the grenadiers were ordered back?

A. The 71st regiment was before me in the line, and it is very probable they might have been before me in the road, but at the time I speak of they were not there.

Q. Was the 33d regiment returned to the road at the time you speak of?

A. I don't remember any regiment on the road before me; there were fields on the right and left hand, where regiments might have gone into, and changed their position.

Q. Was not the 71st regiment betwixt the 1st brigade and the lines after the grenadiers were ordered back?

A. They might be nearer the lines, but, as I said before, I did not see them on that road.

Q. Whether the rebels did break down New-Bridge and halt on the other side the night they quitted Fort Lee?

A. I understood they passed the bridge at Hachinsack, and they halted some time; I don't know how long.

Q. Do you know whether the rebels abandoned Fort Lee before Lord Cornwallis arrived?

A. I believe they did before he arrived at the fort.

Q. Do you know that Lord Cornwallis arrived at Fort Lee the 18th of November?

A. I think that was the day.

Q. Do you know whether General Vaughan was detached on the 19th to Newbridge in pursuit of them?

A. I really don't know that.

Q. Do you know that Lord Cornwallis arrived at Newark in pursuit of the rebels on the 28th of November?

A. I dare say it was so.

Q. Do you know how Lord Cornwallis was employed from the 19th, the day after he took possession of Fort Lee, to the 24th of the same month.

A. I have no journal of that; I don't know that.

Q. Do

Q. Do you know the state of the weather at that time?

A. Yes; very rainy weather.

Q. Do you know there was infinite difficulty in getting up the artillery and baggage belonging to Lord Cornwallis's corps to Fort Lee?

A. There must have been.

Q. Do you know that many of the flat-boats belonging to the fleet were employed on that service?

A. Very probably; I don't know it.

Q. If from Newark there is not several roads to go to Brunswick without going by Elizabeth Town?

A. I have often gone through that country, and I have always gone by that road; there may be bye roads, but they cannot be very wide off Elizabeth Town, as the mountains come down within a few miles.

Q. Is there any road from Newark to Morris Town without going by Elizabeth Town?

A. I dare say there is; Morris Town is up in the mountains.

Q. Are there not several good roads from Brunswick coming into the roads from Newark to Morris Town?

A. I have never gone that way; Elizabeth Town is the direct way from Newark to Brunswick.

Q. Is there not a good road from Morris Town to the Delaware?

A. I really don't know.

Q. What rebel stores were those alluded to that you said were at Brunswick at that time?

A. Probably provisions; all I know about it is, that they reported that there were many rebel stores there; of what they consisted I don't know.

Q. Have you no other reason than what you heard from a rebel officer, that the loss of those stores would be fatal to the enemy?

A. Not only from the rebel officers, but also from gentlemen in the town who passed through Brunswick before and after.

Q. At this time was not General Clinton's detachment going away for Rhode Island?

A. They were at New York and ready to go away.

Q. If Sir William Howe had detached General Clinton's corps into the Jerseys at that time, might we not have lost the opportunity of getting possession of Rhode Island from the lateness of the season?

A. The

A. The passage between New York and Rhode Island is open all the winter.

Q. Do you think it would have been proper to send that detachment to Rhode Island in the middle of December?

A. The passage to Rhode Island by the sound is covered by Long Island almost all the way, so that the navigation to it is not very dangerous in any month.

Q. Could line of battle ships have gone through that passage?

A. Sir James Wallace came through it with a line of battle ship; I know of no other instance.

Q. What ship?

A. The Experiment.

Q. What rate?

A. Fifty guns.

Q. At what season of the year did he pass Hell-Gate?

A. When he saw D'Estaing's fleet he came back that way to give notice to Lord Howe; I don't know what day of the month.

Q. Was it in the month of August or September?

A. In the month of August, I believe; but I don't mean to say that line of battle ships were to go through Hell-Gate in winter.

Q. Would it have been proper for Sir William Howe to have sent that force under Sir Henry Clinton without line of battle ships?

A. I don't know any impropriety in it; our frigates would have been sufficient to cover our transports from rebel ships.

Q. How many frigates do you think necessary to have sent with that fleet?

A. I think two frigates would have covered them.

Q. Do you know whether line of battle ships were sent with Sir Henry Clinton?

A. I really don't know.

Q. Could the troops have landed without seamen to have manned the flat boats in case of resistance from the enemy?

A. In that light line of battle ships would have been extremely useful; we derived so much advantage from being properly covered in all our landings, in all our embarkations, with so much method of exactness those campaigns, that I had never seen any thing like it before; but I have seen landings made less regularly, but effectually.

Q. Did you ever see landings made without seamen to row the troops?

A. They would not be so well made.

Q. Did

Q. Did you ever know it?

A. No; I don't remember any.

Q. What landings do you allude to when you say you have seen landings made effectually, though not so regularly?

A. We made an effectual landing at Louisburgh.

Q. Were there not twenty line of battle ships there?

A. Most of them were landed by boats from the transports; we had no flat-bottomed-boats; the men of wars boats assisted, and I should have imagined that a landing might have been made by the frigates, without line of battle ships at Rhode Island; the ships can come very near to the land, and it is a mill-pond; besides, had double-decked ships been necessary they might have gone without-side of the Long Island and the transports could have gone within-side the island.

Q. Do you think then that the troops might have been landed at Rhode Island if they had been opposed, without the assistance of seamen from line of battle ships?

A. I think they might; but if there was any doubt about it, the method I have proposed above removes the difficulty.

Q. Are you then of opinion that Sir William Howe would have acted properly in deferring to send that expedition to the middle of December, in order to have landed those troops in the Jerseys?

A. I have said nothing of the propriety of any part of the measure; I only speak to the facts that I have been asked to.

Q. Do you know that the flat boats were much employed at that time to bring away the cannon and stores from Fort Lee?

A. I dare say they were.

Q. Do you think, if Sir William Howe had detached 2000 men from New York at that time into the Jerseys, there would have been any favourable prospect of cutting off General Washington's army retreating through the Jerseys?

A. The dates and the distances will give an answer to that question better than any thing I can say.

Q. Do you recollect the day that the 1st brigade marched into New York?

A. I don't recollect the day just now; I know they were there before the rebels had passed Newark, because I often about that time heard that movement talked of.

Q. Is it your opinion that it would have been prudent to have sent that corps of 2000 men without artillery and provisions?

A. To intercept a flying army, one would not have wished to have taken any artillery but what was very light.

Q. Was not Lord Cornwallis's corps sufficient for following that flying army?

A. Sufficient for following it; if I understood the people's wish, it was those bodies should intercept it.

Q. Do you know how the rebels retreat was made from Lord Cornwallis?

A. The rebels boast that they made many stands.

Q. Did you know at that time the strength of General Washington's army, when joined by the corps from Fort Lee?

A. The accounts I had of that force, that went through the Jerseys with General Washington, was 3000 men.

Q. Was any part of General Washington's army, that crossed the Hudson's River at King's Ferry, at Fort Lee?

A. I can't say.

Q. Do you know what force the rebels had at Fort Lee?

A. Not exactly.

Q. Had they 2000 men?

A. I don't know it particularly; all I know is, in general, that the assertion was, that Washington's army, that went through the Jerseys, was 3000 men; I don't know how the army was formed.

Q. Then you don't know what corps passed with General Washington at King's Ferry?

A. No.

Q. Supposing General Washington's army marching thro' the Jerseys was 5000 men, are you of opinion, that a corps of 2000 men to have landed either at Elizabeth Town, or at Amboy, at that time, would not have been greatly committed?

A. It would not have been right to have engaged 5000 men with 2000; but perhaps 2000 men might have seized posts, and the country is supposed to be strong, that might have stopped the rebels, and give time to Lord Cornwallis to have come up.

Q. From your military knowledge of the Jerseys, will you mention a post they could have taken with security, till Lord Cornwallis could have come up?

A. If they had taken possession of Brunswick, they would have had a river to defend them; but I answer this merely because Sir William Howe is pleased to ask me, I have not proposed it as an expedient.

Q. You have said that the corps under Sir Henry Clinton, that went to Rhode Island, consisted of about four or five thousand men, do you mean that answer as precise?

A. No;

A. No; I only give the best answer in my power.

Q. Who had the management of removing the goods from Boston?

A. There was a man appointed for that purpose—who began to collect some, and to have them put on board, but it was not executed in any degree. [*Withdrew.*

June 11.

The bill to prevent the sale of the office of clerk of assize having been amended by the Lords, was sent to the Commons for their concurrence, and was read; upon which a debate arose, whether it was or was not a money bill, as it referred to the bill encreasing the judges' salaries, and whether as such, it did not fall under the imputation of a breach of their privileges, and ought not to be instantly rejected.

Mr. *Moysey* said, that at a conference held between the two Houses many years since, the Commons told the Lords to their faces, that they would never forego the claim of being the sole conductors of all money bills, as far as regarded manner, measure, or time, and that they would suffer the Lords in such cases only to give their consent or their negative to such money bills as were sent up to them. He contended that the bill before them affected the measure of their liberality, stated in a bill lately passed to encrease the judges' salaries, and therefore it was as much a money bill, as if after they had passed a bill for granting to his Majesty a certain sum, the Lords were to send down a bill to prevent his Majesty from expending so much money arising from a different tax in future, and specify, as a reason, that his Majesty had been granted so much more by the bill, which the Commons had passed. He approved greatly of the principle of the bill, and said he would next session give a new bill, not liable to the same objection, his hearty support.

Mr. *Eden* applied to the chair to know the Speaker's sentiments respecting the bill before the House.

The *Speaker* said he had a decided opinion upon it, but it did not become him to give it.

Sir *George Younge* spoke in favour of the bill, and thought it not liable to the objections which had been stated to it; he also called on the Speaker to know his sentiments respecting it.

Mr. *Welbore Ellis* said, that the word *therefore* in the introductory clause, which recited the particular encrease made to the several judges' salaries, proved, beyond all contradiction, that it was a breach of the privileges of the House.

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The *Speaker* put the question, that the bill be rejected. The House seemed unanimous in saying Aye; upon which the Speaker threw the bill over the table upon the floor, and Mr. R. Whitworth kicked it down to the door.

Right honourable Sir *William Meredith* said, he had a motion to make respecting America; and he began with calling back the attention of the House to the commission which had been sent out to America last year, the powers of which expired on the first of June. He remarked, that the commissioners who were sent out with the commission had returned without being able to effect the desired reconciliation with America; that a whole year had elapsed without any one step towards a measure so necessary to the well-being and safety of this kingdom being taken with success. He ascribed, he said, this unfortunate fact, entirely to the misconduct of the ministry; and read extracts from two letters sent by the noble Lord at the head of the American department, to the commander in chief at New York, with the commission; from which extracts, he argued, that it appeared that, at the very time when ministers had talked so loudly of their desire to conciliate with America, and Parliament had passed a bill empowering his Majesty to send out commissioners to America, and had repealed almost every one of the acts which were supposed to be the grounds of animosity in the minds of the Americans, the American secretary had instructed the commander by sea, and the commander in chief by land, to carry on the war with as much severity as possible, and he had done this in such a stile as to make them responsible for every measure they took in consequence of his letter. He said, this was an evident proof of the treacherous designs of ministry respecting the Americans, in the very moment that they were offering them terms of so extensive a nature, that if they had been accepted of, and had happened, through the influence of government, to have been ratified by Parliament, would have sacrificed the dignity and the rights and privileges of the British legislature. The treachery of the conduct, he said, was since sufficiently apparent, the American secretary having himself stood up in his place, and avowed his opinion that he was not bound to give America the terms offered last year, because she had not thought proper then to accept them. He enlarged upon what he called the abominable inconsistency and unfairness of sending out orders to carry on the war with aggravated severity, and in a sort more sanguinary than had before been practised,

tiſed, at the very time that the commissioners were going out to offer peace. He said, he considered the prohibitory act as the act which now ſtood in the way to reconciliation; he should therefore move the repeal of that act, as a means likely to conduce effectually to the end he had in view. In the course of his speech he repeated what had been so often said in both Houses, that America would not treat with the present miniſtry, and applied to the observation the answer of a great king, who had once removed his miniſters, in order to make a peace with those who would not come to any terms while they were in office, giving as a reason, that they who had set an house on fire were not fit people to be employed in extinguishing the flames, because creating a fire and putting it out required very different talents. He owned therefore that he wished moſt heartily that the incendiary miniſtry were removed, because then there would be a greater probability of a treaty of peace being carried on with effect. At any rate, however, as the act for enabling his Majeſty to send out commissioners for making peace was expired, it was not safe or prudent for Parliament to rise without arming the King with some authority to effect so salutary a purpose, should an opportunity offer, and therefore he moved,

"That an humble address be presented to his Majeſty, that his faithful Commons, knowing it muſt give his benevolent and royal mind the higheſt satisfaction possible, to remove the calamities of war from his colonies, and the burdens of suſtaining that war from his British subjects, beg leave to express to his Majeſty their great concern, that the commiſſion which was issued by his Majeſty, with the authority of parliament, for the wise and salutary ends of accommodating our unhappy disputes with America, has failed of success.

"There is no example of any nation that ever sent fleets and armies of such ſtrength and magnitude on so remote a service as those which Great Britain has poured into America; but they have been found upon trial inadequate to the purpose of eſtabliſhing a government by force over that country. And looking to the ſtate of Europe, we cannot but apprehend, that our resources may become altogether necessary to repel the adverse designs, and the armaments prepared againſt us; confident, however, that the hearts of your people are animated by a true spirit and zeal for your Majeſty's service, and truſting that means will not be wanting to defend your sacred person, your family, and your kingdoms againſt all hoſtilities.

"In this situation of affairs, we do moſt sincerely lament that the commission to reſtore peace (which was in force till the 1ſt of June only) has expired, without any declared or apparent intention of opening a door to reconcilement.

"Convinced then as we are, by the dear-bought experience of events, that a continuance of the war in America can have no future effects but to diſtress our trade, exhauſt our finances, absorb our ſtrength, and multiply the unavailing loss and slaughter of your brave and valuable subjects; your faithful Commons think it their indispensable duty most humbly to implore your Majeſty to direct those confidential servants, on whose advice your Majeſty relies in matters of the greateſt importance, that they shall immediately deliberate upon and concert such measures as may prepare the way for peace with America; assuring his Majeſty that they will proceed (as far as this House can) in the repeal of such act or acts of parliament, as may obſtruct his gracious endeavours to bring this unfortunate conteſt to an end."

Mr. *D. Hartley* seconded the motion.

Lord *North* said, that certainly no measure could be more desirable than a reconciliation with America, provided such a measure could be effected with honour to this country. That it was a point so devoutly to be wished, that he did not believe there was a man in the kingdom who did not anxiously pray for it; that his Majeſty, from the natural benevolence of his heart, muſt wish it with the greateſt earneſtness, and every one of his miniſters muſt, on every account, look up to it as an event of the moſt happy nature to the kingdom; there could be no necessity therefore for the present motion to impel them to do their utmoſt to promote it, and to seize the opportunity whenever it should offer itself. Let gentlemen consider how we ſtood with regard to America, and they would see that the King's servants could do nothing till America herself made an application for peace. When the commissioners, who went over last summer, applied to Congress, what was their answer?—that Congress would not enter into any treaty with this country, unless as a preliminary, we would either acknowledge the independency of the American states, or withdraw our fleets and armies. This answer, notwithstanding every endeavour of the commissioners, was all they could obtain from Congress; the matter therefore must reſt till Congress thought proper to apply to this country for peace; the moment that America made any advances, the King's servants would certainly embrace and encourage them,

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and do all in their power to bring the dispute between America and Great Britain to an honourable conclusion. This it was both their duty and their inclination to do, and it was what they would do every whit as eagerly, and as early, as if the present motion passed. If such advances were made, and they were happily so matured, as to render the convention of parliament necessary, parliament might be assembled in a fortnight. His Lordship said, with regard to the letters which the honourable gentleman had mentioned, he saw not the least ground for censure respecting them. What did their contents prove further, than that when the commissioners went out to treat for peace, means were taken to carry on the war effectually, in case the treaty should chance to fail? Was not that strictly justifiable? Was it not the mode of making peace at all times, and in all countries? Did any body blame the King of Prussia, and the House of Austria, for carrying on the war with the utmost vigour, at the very instant previous to their settling terms of peace? Was it not obvious, that each acted in that manner, in hopes of obtaining better terms? Would any gentleman seriously contend, that the ministers would have acted prudently, if they had been remiss in their preparations to carry on the war with redoubled ardour, at the time they sent out the offers of peace? The right honourable gentleman talked of repealing the prohibitory act; he had forgot that very act gave his Majesty the identical powers, the want of which the honourable gentleman had contended was the ground on which he had framed his motion. The prohibitory act empowered his Majesty to appoint commissioners to declare such of the Americans as returned to their allegiance in the King's peace. Georgia, under that very act, had been declared to be in the King's peace; and so would such other parts of America as should return to their allegiance; but, besides this, if the prohibitory act were repealed, it would be impossible to carry on the war, for that act it was which gave the power of seizing the American privateers; for that if the act were repealed, the Americans might seize our ships of all kinds, but we could not take any of theirs. His Lordship spoke in reply to what Sir William had said respecting the unwillingness of the Americans to treat with the present ministers, and observed that it was a little extraordinary after such declaration, that he should have stated in his motion a request to his Majesty, intreating his Majesty to direct those very ministers to concert such measures as might prepare the way for peace with America.

Mr. *Fox* said, the noble Lord now talked of treating with the Congress; formerly his language was, that he would treat with America, but not with Congress. He recapitulated the several measures taken against America since the commencement of hostilities. He condemned the coercive laws passed by Great Britain in the hour of her insolence; then the tame submission with which the right of taxation, and even the act of navigation, was given up by the same ministers, who with an handful of men had talked of bringing America upon her knees.

He then took notice of General Robertson's evidence, and said, if it were to be credited, it were the severest libel on administration that ever was made public, it loaded them with the whole guilt of having continued a most expensive war with America, when they might, whenever they pleased, have put an end to it; for what had General Robertson said? That the majority of America wished well to this country, and longed to return to their allegiance. If this were true, the guilt was transferred from the shoulders of the officers who had been employed, to the shoulders of ministry, and they were answerable to their country for not having taken advantage of the circumstance. He, however, was one who did not credit the evidence of General Robertson; he believed him to be a man of integrity and honour, as well as a brave and judicious officer; but the reason why he did not credit his evidence was, because the General had told the House, in the very beginning of his examination, that he spoke not from his own knowledge of facts as they now were, but from his knowledge of the sentiments of America twenty years before the war commenced, and he thence inferred that the same sentiments prevailed now. In proof of this assertion, he read a few of the questions which had been put to the General, and the General's answers, and said, that his evidence consequently was of little import. The better to bring this home to the minds of his hearers, Mr. Fox parodied the case by putting it thus: suppose he was to have withdrawn from Parliament soon after the beginning of the war, and to have been out of the kingdom ever since; if a person was to ask him, what were the sentiments of Parliament respecting America, and whether he thought they would give up taxation, and agree to any concession on the part of England? he should certainly have replied, "No, by no means; the British Parliament will never make peace with America till she is at their feet; they will never give up the right of taxation; they

they will listen to nothing short of unconditional submission." Let gentlemen see how ill this argument would agree with truth, and how opposite it would be to the real state of the case; and yet, who that had given the minister credit for his assertions in that House four years ago, would not have thought himself warranted to talk in that stile? He, therefore, for one, had paid no attention to General Robertson's evidence, because after what he had heard the General say in the beginning of it, he was convinced it did not merit attention, and could not be relied on.

Having argued this point, he recurred to the testimony of General Gray, which he said was every way worthy of credit, and plainly shewed that the ministry were to blame, because they had continued from time to time to send over reinforcements short of the amount which the officers employed to carry on the war had declared to be absolutely necessary to make a campaign decisively successful. He ridiculed the language that had been held to invalidate General Gray's evidence, and particularly the argument of one of the commissioners, who had declared, that General Gray, having been but seventeen months in America, was incompetent to judge of the sentiments of the people, and of the real state of affairs there; he said, he thought the General, after seventeen months actual service in America, was at least as capable of judging of the sentiments of the people, as any of the commissioners, who were there but for four, or at most six months, and confined during that time to the two cities of New York and Philadelphia. From this he proceeded to review the terms offered by the commissioners, and reprehended them in the severest language, as such as went to sacrifice the rights of the British legislature, and to offer propositions which Parliament had neither authorised, nor was likely, even had they been accepted, to ratify. In particular, he objected to the offer, "that agents from the respective colonies should have a seat in the British Parliament," and the offer "to pay the debts of America," contracted by an offensive war against this country. With regard to the latter, the minister who either suggested or meant to ratify such a propostion, deserved impeachment; and as to the former, it was the most degrading and unnecessary proposition that ever he heard; unnecessary, because among the catalogue of boundless concessions made by the commissioners to the Congress, we had expressly given up all right of legislation over America, and degrading, because having

given up that right, we meanly courted the agents of America to become a part of the legislature of this country. He defended the conduct of Congress in having made the reply that they sent to the commissioners, by observing, that they were then in actual alliance with France, in consequence of which the King of France had sent them a fleet and an army, and furnished them with money to carry on the war. Let gentlemen consider that the terms offered by the commissioners were not definitive propositions, but mere terms of treaty, terms of discussion, and terms *ad referendum*, which, had the Congress been weak enough to accede to, might not have been ratified; exclusive, therefore, of the betraying the rights of their constituents, which they would have done had they agreed to the terms offered by the commissioners, after having engaged in a treaty with France, it would have been the extreme of folly to have taken themselves out of the arms of France, to have given up the advantages they actually possessed, and to have trusted to the faith of ministers notorious for having dealt treacherously with them, and deceitfully with the British nation. Add to this, the preliminary proposals of Congress were neither, in his judgment, improper for them to lay down, or for Great Britain to listen to. Perhaps many good reasons might be urged, why we ought not expressly to acknowledge the independency of America. But as one member of Parliament, he was very far from being averse to the other proposition, viz. that of withdrawing our fleets and armies from America. So far from it, he thought that measure the wisest that could be adopted, and the sooner it was adopted the better: so fully convinced was he of this, that he was ready to intreat ministry to come into it, and even to beg it of them as a boon. As a proof that such a measure was really necessary, he referred to the evidence that had been given at the bar by several of the witnesses who had been heard in the course of the inquiry, which amounted to an express declaration, That it was impossible to subdue America, or reduce her to allegiance by force of arms; to what end, then, should we continue our chief military force across the Atlantic when it was so much wanted at home?

He took a review of our plan of operations last war, and remarked, that it had been pretty generally the language of that day, that our continental connections were exceedingly expensive and improper. It was very true, that our army in Germany was a considerable call upon the resources of this country, it drained us severely both of men and of money, but

but then it was to be remembered, that it rendered it necessary for France to have a large army there likewise, and that it kept those troops of France engaged in Germany which might have been annoying us elsewhere, and in places where, if they met with any success, the consequence would have been much more fatal to Great Britain. At present we had a large army in America, and the French had no army there. The British troops were incapable of acting offensively, and in fact were in a state of inactivity; in that state they were likely to remain. Upon this ground he argued, that it was madness to suffer the troops to continue any longer at New York, he therefore wished to make peace with America on almost any terms, and to carry on the war against France with all the vigour, and all the exertion possible. If France offered advantageous proposals of peace, certainly it was the duty of administration to accede to them, because, as the resources of this country now stood, exhausted as we were by the long and ruinous war in which we had been involved, a peace, on proper terms, was certainly a very desirable object; but ministry ought never to make peace with America, suffering her to continue her connections with the United States, or giving up any part of the British dominions.

He contended, that as the late commissioners held out terms and conditions to all America, the public faith was pledged for giving America the same terms whenever she chose to accept them, notwithstanding what the noble Lord, the American secretary, had on a former occasion thought proper to say upon the subject; he also contended, that the faith of this country was pledged to protect all those, whether bodies of men or individuals, who had come in under the commission, and returned to their allegiance. He said, if there was but one man of this description, we were bound in honour and in justice to make good the conditions to that individual. That the commission having expired on the first of June, it was indispensably necessary to give his Majesty parliamentary authority to make peace, an authority which did not exist, and without which it was dangerous to trust to the hazard of a whole summer's passing. In speaking to the design of repealing the prohibitory act, he declared it to be the most obnoxious of any that had been passed against America, and that it ought to be repealed. He took up the Parliamentary Register, from which Sir William Meredith had read the extracts of letters sent by the noble Lord at the head of the

American department, and turned to two particular passages, in which the writer had recommended it to Sir William Howe and the noble Lord his brother, to prepare to carry on the war in such a sort, as should convince America of the determined purpose of this country to prosecute it with unremitting severity. Upon these passages Mr. Fox commented, and declared, that the plain meaning of them was, to prosecute the war in as bloody and sanguinary a manner as possible. He said, he understood that the war was carrying on in that manner at this time; he did not mean, however, by a general and loose assertion to criminate ministry farther than they deserved, he would therefore state to what he alluded; it was this; that the southern Indians had been excited to rise and attack the back settlements of Virginia and Carolina. He did not mention this as a fact, he really did not know whether it was so or not, but such was the report, which he hoped to God was ill-founded; he had much rather that Mr. Stuart should have put the many thousands which he had drawn upon the treasury for into his own pocket, than employed the public money in such a way; he had rather he had made a job of it, and that he should see him soon return to this country to live at his ease and in splendour upon the money he had so pocketed, and he wished so for this reason; it was evident that the Indians could hardly be restrained from acts of the horridest cruelty, even when they were under the awe of so large an army as that commanded by General Burgoyne, an officer as distinguished for his humanity as his bravery; to what extent, then, might they not carry their barbarities, when they were unaccompanied by an army, and strangers to every idea of discipline? The savage massacre of aged and defenceless men, women, and children, would be unlimited; the very conjecture of it was shocking. He was free to allow, that Indians might be employed in the service to advantage, but then it must be when they had an army to direct and regulate their efforts. Having spoken to a variety of other points, Mr. Fox concluded with declaring, that he thought the motion made by his right honourable friend every way laudable; he therefore should give it his hearty support.

Governor *Johnstone* said, the honourable gentleman was repeatedly arraigning every measure proposed by government for managing the war with America, but would never tell the House, what plan he should follow himself were he in power. The honourable gentleman had expressed his desire to have the troops recalled from America, but had declared, that possibly

sibly there might be many reasons why it would be wrong to acknowledge the independency. Did the honourable gentleman imagine, that every person did not see the fallacy of this reasoning? The one proposition involved the other, and withdrawing the troops was effectually acknowledging the independency. What would be the consequence of withdrawing them? The most fatal consequences to this country that could happen. The army of America would instantly seize on Canada, and on Nova-Scotia, attack the fisheries, then the West-India islands, and thus all our dependencies on the other side the Atlantic would fall, and we should no longer have any weight in Europe as a maritime power. The answer sent from the Congress to the commissioners, he declared, had been much misrepresented: the Congress had said, they could treat only consistent with treaties then in being, meaning their treaty with France; so that the only terms that Congress would have accepted must have been such as the court of Versailles should have approved of. With regard to what the honourable gentleman had said respecting his having talked of his knowledge of the situation of affairs in America, and of the sentiments of the people, in opposition to what had been given in evidence by General Gray; he did not mean to argue merely upon what he had discovered while he was there as a commissioner, (in which capacity he had done his best to serve his country, and he defied any one member of the Congress to prove, that he had in any part of his conduct acted dishonourably) but he spoke, from a long acquaintance with the country, from his having gone through many parts of it, and lived in a state of friendship with the inhabitants, which afforded him opportunities of coming at information beyond the reach of General Gray, who had acted in a military character only in America, and in that merely for seventeen months. He had, on a former occasion, stated that there were many divisions and differences of sentiment among even the Congress themselves; the assertion was a fact, and he would prove it by such evidence as he believed the honourable gentleman himself would admit to be indubitable. The Governor then read a letter from Mr. Laurens, president of the Congress *, to a governor of one

* *Copy of a Letter from* Henry Laurens, *President of the Congress.*

" DEAR SIR, *Philadelphia, August* 27, 1778.

" I should not have remained so long in arrear for your Excellency's obliging letter of the 9th of June, had I not flattered myself

one of the southern provinces, from which it appeared, that Mr. Laurens complained of peculation and want of zeal for the cause of the States. The Governor repeated his former

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self with hopes, that long before this day, the circumstances of Georgia would have been introduced as a subject demanding the consideration of Congress; but it has happened otherwise; to account for the probable reasons would be extremely unpleasant, and perhaps at this time equally improper; nevertheless, it is my duty, Sir, as a fellow citizen, to suggest to you in that, as well as in the character of supreme magistrate of a state, that in my humble opinion, we cannot fairly ascribe the dormancy of this, and many other momentous concerns, to want of leisure.

I see, with grief, the return of our troops from East Florida without that success which your Excellency had hoped for; this unhappy circumstance will add to the distresses of Georgia, and increase her cries for relief.

While St. Augustine remains in possession of the enemy, Georgia will be unhappy, and her existence as a free and independent state rendered very doubtful; South Carolina too will be continually galled by rovers and cruizers from that pestiferous nest. Another expedition must therefore be undertaken at a season of the year which will not outvie the bullets and bayonets of the enemy in the destruction of our men.

I have before me a plan for reducing East Florida, which I will have the honour of communicating to your Excellency very soon. In the mean time I am constrained to say, that unless the several states which keep their representation in Congress filled by men of competent abilities, unshaken integrity, and unremitting diligence, a plan, which I very much fear is laid for the subduction of our confederal independence, will, by the operations of masked enemies, be completely executed, so far I mean as relates to all the sea coast, and possibly to the present generation.—Were I to unfold to you, Sir, scenes of venality, peculation and fraud, which I have discovered, the disclosure would astonish you; nor would you, Sir, be less astonished were I, by a detail which the occasion would require, to prove to you, that he must be a pitiful rogue, who, when detected, or suspected, meets not with powerful advocates among those, who, in the present corrupt time, ought to exert all their powers in defence and support of these friend-plundered, much injured, and, I was almost going to say, sinking states. Don't apprehend, Sir, that I colour too high, or that any part of these intimations are the effect of rash judgment or despondency: I am warranted to say they are not; my opinion, my sentiments, are supported every *day* by the declaration of individuals, the difficulty lies in bringing *men collectively* to attack with vigour a proper object. I have said

mer assertion, that the greater part of the Americans wished well to this country, and were so heartily tired of the tyranny of Congress, and of the oppression they felt from their new governors, that they would gladly return to their allegiance, but that the Congress, who had got the power of government into their own hands, and were too ambitious to consent to part with that power as long as they possibly could hold it, would not let them; this very argument, he said, was an irrefragable answer to the honourable gentleman's doctrine of withdrawing the troops, which, instead of weakening the power of Congress, would naturally strengthen it, and

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so much to you, Sir, as governor of a state, not intended for public conversation, which sound policy forbids, and, at the same time, commands deep thinking from every man appointed a guardian of the fortunes and honour of these orphan states.

Colonel M'Lean, who will do me the honour to bear this address to your Excellency, is well acquainted with the present state of our arms. Copies of two letters from General Sullivan, which will accompany this, will shew that of his particular and important department as it stood eight days ago—every hour I expect further intelligence; had he been successful, and as expeditiously so, as his sanguine hopes marked out, I should have received the important tidings the day before yesterday.

Not a word that has been said or printed respecting Count D'Estaign's or Lord Howe's fleets, merits confidence; an engagement, and a smart one too, there has undoubtedly been, but who was victorious, and what losses each party sustained, are unknown in this city—this fact only, that the British fleet have greatly suffered, and had carried in no prizes four days ago, is ascertained; and from the following paragraph in General Washington's letter of the 21st, there is ground to hope that many of Lord Howe's original shew of ships at Rhode-Island have been detained by his rival, or lost in the late storm.

"By advices from an officer of rank and intelligence, who is stationed in view of the sea, I am informed that sixteen ships entered the Hook on the 17th, one having a flag, and that on that and the preceding day a heavy cannonade was heard at sea."

This day's packet may afford your Excellency more intelligence. I will trouble you, Sir, no farther at present, but to repeat, that I am, with very great regard and esteem, Sir, your Excellency's obedient and humble servant,

HENRY LAURENS."

His Excellency (Private)
Governor Houston, Georgia.

and enable them to hold the government they had assumed as long as they pleased. With regard to the prohibitory or restraining act, he said, that was the very act which gave us advantageous means of carrying on the war, and the very act which empowered his Majesty to make peace, whenever America should be disposed to offer terms, and certainly as matters stood at present, as the noble Lord in the blue ribbon had well observed, the offer must come from the Americans.

Mr. *Eden*. I may be permitted, Sir, to press myself on your notice in preference to other gentlemen, as the very important matters which have been brought into this debate by my honourable friend [Mr. Fox] peculiarly affect me, and have not been stated with that degree either of kindness or candour that I might have expected. It does not fall within the compass either of my wish or ability to take notice of all that gentleman's positions; I can have no object in discussing with him the consistency of his conduct in now voting for an address to lament the failure of a commission, which, he says, made ridiculous propositions derogatory from the essential rights and interests of this country; it will be sufficient for me, if my own conduct on this motion is right. I respect the mover and his intentions, but he professes merely to recommend to the King a general line of conduct so palpably and obviously improper for his Majesty to adopt, that I shall vote against his address as being at least superfluous. It is equally foreign from my purpose to consider the honourable gentleman's strange and desultory mode of proving the weakness of our present army in America from the greatness of its detachments to early and distant services; whatever our actual force in that country is, or may be, every effect within possibility may be expected from that army and from its commander in chief. Neither do I wish to enter into the serious defence or well-merited praises of the five or six hundred gentlemen from America who have been mentioned in this debate; they were mentioned indeed in a tone which struck my ear as wanting the consideration due to such men so situated: but I know that the honourable gentleman feels respect for misfortune, and a love for loyalty; I know too that he is incapable of an ungenerous intention; and the American loyalists, on both sides of the Atlantic, deserve from us all every good epithet that a good mind can give. In the flow of language expressions will drop which recollection would have checked, and to the want of recollection only, I attribute the harsh expressions with which the

the honourable gentleman has also treated the King's commissioners. I am not hurt by those expressions; I have lived too long in the world to be now wounded by political epithets. Lastly, I do not wish to set up my own knowledge of the Americans in opposition to Major-General Gray's: it was indeed my duty to reside in the cities of Philadelphia and New-York, whilst it was his to be in camps and in action, and aboard frigates; it was my custom to give every hour during my stay in America, to gentlemen of every interest, party, persuasion, or principle, who would come to my table, or would honour me with their visits. Major-General Gray was too good an officer to be so employed: but I do not wish to dwell on this; I sought and had his friendship as far as our different walks in life would allow, and though I do not subscribe to all his political creed, I think him one of those officers whom it is a blessing to this country in times like the present to possess. My reason for now desiring the attention of the House is, that I may say a few words upon the supposed offers, and the supposed menaces of the late American commission, both which the honourable gentleman is pleased equally to reprobate.

With respect to the offers, I have on a former occasion submitted to the House my sentiments on the caution to be used in discussing this subject; for I still hope and trust, that the colonies will one day be re-united to these kingdoms, on terms advantageous both to them and to us, though those terms may vary much according to the passions and feelings of men, and the circumstances and events of war. I must, however, take a short review of the grounds which the late commissioners stated for negociation; nor do I desire to call the attention of Parliament to the particular situation of our affairs at the date of our first letter to the rebel Congress, or to the considerations which made it expedient to enter into the fullest specification at the first opening. The fact is, that we offered, 1. "To consent to a cessation of hostilities both by sea and land." 2. "To restore free intercourse, to revive mutual affection, and renew the common benefits of naturalization through the several parts of the empire." 3. "To agree that no military forces shall be kept up in the different states of North America without the consent of the general Congress or particular assemblies." These offers I allow were absolute and positive. The first and second must of course have been the best and immediate consequences of peace, and if there is any doubt as to the last, I can only

only say that I do not see the objection: it implied in our minds, and in every man's mind, that the King should retain the supreme command of the military force, whatever it might be, and the nomination of all the officers. And it must be for the safety and interest of each colony to have a force adequate to its own relative situation in this empire.

We also offered, Sir, 1. "To extend every freedom of trade that our respective interests can require." 2. "To concur in measures calculated to discharge the debts of America, and to raise the credit and value of the paper circulation." 3. "To perpetuate one union by a reciprocal deputation of an agent or agents for the different states, who shall have the privilege of a seat and voice in the Parliament of Great Britain, or if sent from Britain, in that case to have a seat and voice in the assemblies of the different states which may be sent, in order to attend to the several interests of those by whom they are deputed."

These offers are qualified both in their expression and obvious meaning, and were matters for negociation. The expression at the close of the first of them was not insidious; nor were the persons to whom we addressed ourselves likely to be duped, if we had been capable of wishing to dupe them. I cannot pay a greater compliment to their abilities, than by saying that I believe them nearly as skilful in all the niceties of languages, as the honourable gentleman whom I am now endeavouring to answer:—and, besides, we sent a copy of our commission, as the full and fair communication of our powers. From the second of the last mentioned class of proposals, the honourable gentleman contends, that we offered to subject these kingdoms to the payment of the continental debts:—and does he really think that "a concurrence in measures calculated to discharge debts," implies that the concurring party shall charge himself with those debts? When we talk of "raising the value and credit of the paper circulation," can it be inferred that we undertake to discharge and annihilate that circulation? Are there no quit-rents, or other royal and national claims of value in America? Is there no possible arrangement by funding or otherwise, which might have helped the poor holders of all the wretched trash now circulating by the Congress, and have given some worth to what is now sinking into nothing?—— With respect to the last article, I must express my astonishment, that the honourable gentleman, who talks sometimes with such sympathy and rapture of the American senators, should

should feel so degraded by the idea of ever sitting in their company: I shall only say on this proposal, that I did not suggest it, but I very willingly adopted it; it was one proof, among others, of a sincere dispostion to conciliate; it might have pleased some men in that point of view; I did not think, however, that it could produce any farther effect. But I should not be sorry, if it were practicable, to see a limited number of colony agents and representatives within these walls.

Lastly, we offered "to establish the power of the respective legislature in each particular state, to settle its revenues, its civil and military establishments, and to exercise a perfect freedom of legislation and internal government; so that the British states throughout North America, acting with us in peace and war, under one common Sovereign, may have the irrevocable enjoyment of every privilege that is short of a total separation of interests, or consistent with that union of force on which the safety of our common religion and liberty depends."

So much for the offers!—In discussing the supposed menaces, I feel less anxiety, and hesitation, because I carry in my pocket the minute which I made very immediately after landing in England, when I saw in the public papers the debates which had passed on this subject. The matter was then warm upon my mind. I have not lately referred to it, but the minute was honestly written, and I am not afraid of reading it without reserve. It is as follows—"December 20th, 1778. My late colleague appears to have done ample and honourable justice in the House of Commons to the whole business, and has left little or nothing to be said by me. But if I should be called upon with respect to that paragraph in our manifesto, which has, I see, been represented by some to menace a system of cruelty, unworthy of a great people, and contrary to the practice of civilized nations, I can truly say that I thought it impossible for such a representation to be given any where but in the rebel Congress: and my astonishment is very real on now finding, that many persons within this kingdom, whose judgments and good opinions I very highly respect, have seriously entertained ideas of the passage in question so very different from the sentiments of those who penned it. If, however, there is any demerit in that passage, it will be but fair to exculpate the innocent;—the measure has, I see, been attributed by some debaters to our secretary, and supposed Scotticisms are pointed out in support of that idea.

idea. It will be fair then to avow, that it was the work of the principals, none of whom, I believe, ever saw the northern side of the Tweed. They had in their secretary an excellent assistant on many occasions, and profited much by his judgment and abilities. But it happened that this particular measure, involving in itself many serious and weighty matters of decision, for which the principals felt themselves responsible to God and to their country, they were led to adjust it among themselves in repeated discussions; and their minutes delivered to their secretary were *verbatim* what was afterwards printed.

"Having thus admitted so very intimate a knowledge of the paper in question, I ought at least to be able to say what my own meaning was. I had been the instrument on the part of this country of making offers more explicit and more liberal than any government in any instance of history ever made to its dependencies. What we had said amounted nearly to this. "We desire you to be our brothers under one father; we claim not pretensions from our eldership; we expect no inequality; we insist only on having one king, one friend, and one enemy, a free union of force and friendship." What then was their answer? "We will have a total and eternal separation from you; we have attached ourselves to your inveterate enemy; to that attachment we will adhere." What then was our natural and obvious reply? "If you will be considered as Frenchmen, you must and ought to be considered as Frenchmen who are at war with us: the contest is changed: we have hitherto marched through your country, in the daily expectation of sitting once more with you under the shade of the same vine. We marched without raising contributions, without destroying your docks and store-houses, without dismantling your armed towns; we quitted Boston without injury; we evacuated Philadelphia, and left large stores behind us;—we have hitherto treated you as children, or friends under a temporary separation; we must now treat you as you chuse to be treated, as strangers to our blood, professing enmity to us. Recollect, then, that you are calling upon yourselves, and those you pretend to represent, all those severities which the laws and usages of war among civilized nations will warrant, and justify."

"A short recollection of those laws and usages of war, applied to the past conduct of our armies, is, indeed, a most sufficient defence of the paragraph in question. Nothing, in my opinion, is more clear than that the exertions made by this country, previous to the year 1778, have been amply adequate to the reduction of the rebellion; and surely the lenity

nity to which that paragraph alludes, though not the chief cause; is the most creditable cause of our failure; that cause is surely the most flattering, both to this country and to the late commanders, and to those who instructed them.—In plain English, if this war is to be prosecuted (and that it must be so is a matter, not merely of expedience or justice, but of necessity), it must be followed in a very different system. Not with a wanton inhumanity, unauthorized by the custom of civilized nations, but with those severities which are usually exercised in our days by one foreign nation at war with another, and which, horrible and calamitous as they appear in fanciful descriptions and declamations, are, in a moral sense, not more so than the common use of the musket, against which less is said, because we are more familiarized to it."

I shall detain the House no longer, than to add, that for every part of my conduct in America, I know I am, and ought to be, accountable to my country. But when I consider the leading assistance which I had from my colleagues, and the motives under which we all acted, I dread neither the trial of my contemporaries, nor the judgment of posterity. Through the whole, indeed, of this American war, as well in the civil as in the military measures adopted and pursued, the land-marks of truth are fixed and permanent. The torrent of my honourable friend's eloquence may obscure or overwhelm them for a day; but the torrent will disappear, the land-marks will remain, and the fair and steady stream of history will continue to flow round them, long after that gentleman has lost the talent of commanding the opinions of others, and I the wish—to be better able to express my own.

Lord *George Germaine* said, that in order to convince the House that it would be highly reprehensible for government to offer terms, read a resolution of Congress, in which it was stated, that they could not bear to hear the commissioners' proclamation read, because it contained indecent expressions against their good and great ally, the King of France. His Lordship also read the answer of Congress *; and then asked if the Congress could hear those words, and say he now wished to offer peace to America? His Lordship then went on to declare, that it had never been his idea that America could be conquered; that the war had not been conducted with that view; that America had been treated with the utmost forbear-

* See both these papers in the Remembrancer for 1778, p. 293, and 299.

ance. That he trusted rather to the good sense and feelings of the people of America in general, than to the force of arms; that he had hoped, and he was far from giving up that hope, that America would see her error; that she would discover she could not be truly happy, but when connected with some great power; that she could not form any connexion so much for her interest, and so much for her happiness, as a connexion with Great Britain. This hope was now, as he had said, very strong in his mind. He had often asserted, and he renewed the assertion, that the majority of the people of America were with us: as a proof of this, we had large corps of provincials in arms in our favour; and he had that very day received a letter from Governor Tryon, in which the governor assured him, that we had now 7000 American seamen employed in our privateers. It was the Congress only that opposed a re-union with this country; and even the Congress were far from being of one opinion on the subject. His Lordship said it would be the extreme of impolicy, to repeal the prohibitory act, and took notice of what the honourable gentleman [Mr. Fox] had said respecting General Robertson; observing, that if that gentleman had paid no attention to what the general said, it was plain, his evidence had attracted the notice of other gentlemen; because, old and infirm as General Robertson was, he had been examined three days; had been kept at the bar seven hours at once, and parted with at twelve at night with great reluctance, and not suffered to withdraw, until he had been appointed to appear at the rendezvous on Monday. He said he had called General Robertson, not to examine him to military points, because he thought that House an improper place for a military inquiry; but that he could scarcely get an opportunity of putting those questions to him, for the sake of which he called him; so much were other gentlemen intent on examining him. His Lordship concluded with saying he should give the motion a flat negative.

The applause which proceeded from the majority, at the conclusion of Lord George Germaine's speech, made it some time before Mr. *Burke* could be heard, who began with censuring these bursts of applause, and triumphs of the majority, whom he perceived prepared to reject his friend's motion. All the transactions of the American war he recapitulated in the course of his speech, and the humiliating changes of opinion and conduct the ministry had exhibited to the House.

He said, that if the concessions made afterwards had been made before the French treaty, peace would have been long since concluded; and he blamed the minister for adjourning *the Parliament* for the Christmas recess, at the very time he knew

knew from Lord Stormont, that the treaty was on the point of being concluded. He introduced a good parody on the Greenwich Hospital inquiry, which had so long taken up the attention of the other House.

He pronounced this country to be irrecoverably lost if we should be a second time too late, for which reason he should vote for his friend's address.

Mr. *Dundas*, Lord Advocate for Scotland, thanked Mr. Burke for his fine speech, and then flatly told him it was very little to the purpose; it might be amusing, but it was not necessary to the question.

He then took up the ground of the address, and said, that it only meant to establish facts already well known; it was acknowledged, that the exertions of this country had been amazing, and that they had failed of success: he should not enter into the cause; but was Great Britain now, when the scales were turning in her favour, tamely to submit to offer the terms that Congress had with disdain refused?

He thought it madness to desire this; and as to repealing the Restraining Act, he was totally against it, as being the only coercive measure not to be complained of as sanguinary or cruel. He insisted on it, that the ministry had tried every honourable method to negotiate a peace; but that we ought to go on with spirit, and be reduced to the last resource, before we submitted to acknowledge the independency of America, or to withdraw our troops, and leave the loyal part of the inhabitants of that country to the mercy of the rebels and the French.

The motion was negatived without a division. Adjourned to the 14th.

June 14.

Mr. *Sawbridge* made his annual motion for shortening the duration of Parliament. There was no debate. The House divided; for it 8, against it 32.

Mr. *Turner* said, he had always been an enemy to the Impress Act; he had heard of many abuses committed under that act; in Wales a schoolmaster had been, through the malice of a neighbour, pressed in the midst of forty scholars, upon whose account he received a salary, which maintained him very decently; he had been sent up to London hand-cuffed like a felon; and on a journey of 275 miles, appeared like a criminal, though he was in reality an honest, industrious man. This surely was a scene of distress, which must naturally excite the pity of every good citizen. For his part, he said, he did not like to lose his life; but, in such cases,

he certainly thought it would be glorious to lose it, in defending the just liberties of the subject.

Mr. *Jenkinson*, secretary at war, said, he by no means thought himself justifiable in discharging any man, whom the commisioners had deemed a proper object of the Impress Act; in some cases, where it was represented to him that the subject had been hardly dealt with, he had made it a point to write to the commissioners, and desire that they would reconsider the matter; he had often done so, and in the present case, the former sentence of the commissioners had been confirmed.

Sir *William Meredith* said, he had seen the schoolmaster, and he had received sufficient information to satisfy him, that malice had had the principal share in this case; for he was satisfied, that from the two overseers and constable of the parish, from the clergyman, and an hundred more of the inhabitants of the town wherein he lived, he had received the best of characters. The reason of his having been impressed was, that one of the commissioners had endeavoured to turn him out of his school, in order to establish a favourite in his place; and having failed in that, he had recourse to the abominable means of getting rid of him, by having him pressed for a soldier; as a proof of that, exclusive of the easy circumstances in which the man was found, though now he was in the greatest indigence, he informed the House that he was almost totally deaf, at least to such a degree, that he must be discharged, as unfit for service.

Mr. *Turner* said, that he knew of many more instances of nearly the same nature. In Lancashire in particular, an honest industrious weaver, who had six children to maintain, was pressed at his loom in his own freehold. These, he insisted, were cases in which the legislature ought to interfere; and not to suffer the most industrious subjects to be deprived of their liberties, under the sanction of an act of Parliament which was calculated merely for the purpose of taking up vagrants.

The House went into a committee on the American papers. F. Montagu, Esq. in the chair.

Major-General *Robertson* was called in, and the last question and answer in his last examination was read to him.

Sir *William Howe*. Q. Was you not employed by Sir William Howe particularly, in the management and direction of removing the goods and merchandize that might, if *left behind*, be most useful to the rebels?

A. I had the honour of conversing with Sir William Howe on that subject, and carried his directions to Mr. Brush, who had a commission for that purpose. I thought it a matter of consequence; I put him into the way of giving proper receipts, and collecting the things; I gave him what assistance I could: he carried it, in some part, into execution; he made a faint attempt to execute it, but was forbid, before he made any great progress.

Q. Was you, or was you not employed by Sir William Howe; and were not all reports made to you on that proceeding?

A. I have related, that I carried all the orders to the man that was employed; I gave him all the assistance in my power to have it done.

Q. Was you employed by Sir William Howe on that occasion?

A. Certainly.

Q. Was not a considerable quantity of merchandize put on board vessels for that purpose?

A. Some; but a small proportion of the whole.

Q. What proportion, and what whole?

A. I mean, that the goods put on board the ship, bore a small proportion to the whole in Boston.

Q. Were we not in great want of shipping and craft, for transporting troops, stores, inhabitants, and merchandize?

A. We wanted shipping a great deal; shipping was in great request.

Q. Could more of the merchandize have been removed than was done, considering the vessels that were to transport the army, inhabitants, military stores, &c.?

A. I think the holds of the vessels, if they had been well stowed, might have carried those goods, without interfering with the transport of troops, &c.

Q. Will you take on you to say, that there was any one transport whose hold was not fully loaded with the baggage of the troops, or the merchandize?

A. I saw a great many ships, said to be loaded, that appeared to be light.

Q. Was you on board any one of them?

A. I was not on board; I speak from their appearance, and from report.

Q. You will explain what report?

A. Where I saw ships appeared to be light, I asked how it came? They said they were not well stowed.

Q. Did you ever report to Sir William Howe at the time, that there was any room in the shipping to contain more merchandize?

A. I told Sir William Howe at that time, that I thought it of great consequence that the merchandize should be carried: I had no access, or any manner of knowing how they were loaded, but from the appearance of the shipping, and what people said.

Q. Do you recommend a more general destruction of stores and merchandize than was made?

A. I thought those stores should have either been carried away, or destroyed.

Q. Did you recommend it to Sir William Howe?

A. On my word, I don't know that.

Q. Were not the inhabitants who accompanied the army, a great incumbrance, though a necessary object of attention?

A. Certainly.

Q. Had not the inhabitants desirous of removing with the army, directions to supply themselves with such vessels as they could find for their transport?

A. Yes.

Q. Did not the admiral direct the destruction of the shipping and naval stores that we could not remove?

A. I don't know what directions the admiral gave; but I know there was a good deal of shipping left, which, though not fit to go immediately to sea, was easily made fit.

Q. Do you know if the seamen were employed in the destruction of the shipping and stores?

A. I saw some so employed.

Q. Were not all the shipping and naval stores destroyed, or rendered useless, which it was in our power to destroy or render useless, except by fire?

A. I think not: I remember one ship particularly, between three and four hundred tons, and hearing of her being employed as a privateer afterwards.

Q. Do you remember any mast that was left fit for use?

A. I can't say I do.

Q. Do you know whether that ship you spoke of, was left without being cut or damaged?

A. I have heard they made holes in her sides; but I have heard people complain of her being left in a state easy to be repaired, and a good number of smaller vessels.

Q. Could those vessels have been burnt, without endangering the burning the town?

A. It

A. It must have been dangerous to have burnt them where they lay.

Q. Were they afloat?

A. I don't know that.

Q. Have you never heard of the great abundance of cattle in the provinces of Pennsylvania, Maryland, Virginia, and North Carolina?

A. There is a great number of cattle in Pennsylvania; they still get more from the eastern countries than they raise: Virginia and Maryland do not abound so much as North Carolina does.

Q. If General Burgoyne's army had been of sufficient force, with the assistance of the well-affected inhabitants of that part of the country which we passed through to have penetrated Albany, are you of opinion the possession of Philadelphia at that time, considering all the circumstances attending it, would have operated more strongly towards bringing the war to an earlier conclusion in favour of Great Britain, than if the possession of the Hudson's River had only taken place in the campaign of 1777?

A. Had General Burgoyne's army been able to get to Albany, and to get possession of the province of New-York, and have needed no farther assistance, the possession of Philadelphia would have been a farther addition to the conquest of the country: the possession of Philadelphia was a great object, and would have contributed to the conquest of the country.

Q. If General Burgoyne's army had come by sea to New-York, would that plan have been better calculated for getting possession of the Hudson's River, than by the route he was directed to pursue by land?

A. I think not: I think the route he was directed to pursue, was the most effectual.

Q. Had General Burgoyne left England when you arrived here in the spring 1777?

A. I saw General Burgoyne here.

Q. Are you of opinion that the force under General Burgoyne was sufficient for penetrating to Albany?

A. I am considering it; I never thought of it before. I should have thought so.

Q. You have said, in the course of your evidence, that it was your opinion, the force under the command of Sir William Howe was adequate to its object—was you of that opinion when you was last in England?

A. If the object was to go up the North River and join General Burgoyne, I was, and am now of opinion, that the force was sufficient for that object.

Q. Did you not tell many of your friends, when last in England, that you was of opinion that America could not be conquered by force of arms?

A I have said so since I have had the honour of being at this bar, that America could not be conquered; but I have likewise said that America is for us, and that, with their aid, the force we employ is adequate for the purpose.

Question repeated.

A. I have always been of the same opinion that I am now: I have never spoken a different opinion: if I said to any body that America was not to be conquered, I must have meant, that the combined force of America against us could not be quartered by us.

Q. On your quitting England the last time, in 1777, did not the opinion you then expressed, allude to the then state of America, and the warlike preparations making against it?

A. Whatever I then said, must have alluded to the then present time.

Q. What assistance do you mean might have been expected from the inhabitants?

A. The assistance every government derives from the people of the country being on their side: the advantages are so numerous, that I cannot enumerate them.

Q. Did Sir William Howe ever omit any opportunity of encouraging the inhabitants to assist the King's troops?

A. I believe Sir William Howe never omitted any opportunity of doing what he thought was proper towards it.

Q. You having said, that the choice of situation depending on Sir William Howe, you concluded the British army was able to beat the enemy in 1777—was not the enemy's the defensive army?

A. The enemy's was the defensive army.

Q. Is it not usual for the defensive army to have the choice of ground?

A. If the enemy's army was to defend a country we meant to attack, we might go to what part of the country we pleased: a defensive army can take possession of any certain posts he pleases to defend: when we act offensively against a whole country, the choice is with us.

Q. Do you mean the choice of ground, or of operation?

A. I mean of operation.

Q. What

Q. What do you mean by saying, that Sir William Howe had the choice of situation, and therefore could have beat the enemy?

A. I apprehend I have explained that this moment; he could have gone to have attacked what country he pleased, and would have had the choice of situation, in preference to an enemy who followed him.

Q. Is it then your opinion, that the offensive army leads the way in the field, and that the defensive is to follow him?

A. I will explain myself by an example: Had Sir William Howe gone up the North River, he would have had the choice of situation in preference to Mr. Washington, who was to follow him.

Q. Are you of opinion that Mr. Washington would have permitted Sir William Howe to march through the highlands without opposing him?

A. I never had an idea of marching to Albany; I have so often gone there with an army by water.

Q. Could Sir William Howe have gone from New-York to Albany without having first got possession of the highlands?

A. I have said, some time ago, that it was necessary he should possess the highlands.

Q. Would General Washington have suffered Sir William Howe to get possession of the highlands quietly?

A. Had Sir William Howe's plan been to go up the North River, I apprehend he would have taken the highlands in the spring, or whilst Mr. Washington was cooped up in his strong camp in Jersey.

Q. Do you suppose if Sir William Howe had marched to the highlands, whilst Mr. Washington was in his camp at Middlebrook, that he would have remained there, and let Sir William Howe take the highlands quietly?

A. I don't know what movements Mr. Washington would have made; but I suppose quitting that strong camp would have put him in a worse situation, and possibly might have given us an opportunity to have engaged him at less disadvantage.

Q. Do you know the force of the enemy in the highlands in spring 1777, exclusive of Mr. Washington's army at Middlebrook?

A. At the time Colonel Bird destroyed the Fish-Kill, I apprehend the force in the highlands was but small.

Q. Do you know that Colonel Bird attacked the enemy at Fish-Kill in the spring, 1777?

A. Colonel

A. Colonel Bird made an expedition towards the highlands, and destroyed stores and provisions in 1777: I may be mistaken in the name of the place; but he made an expedition in the year 1777, and that is what I mean.

Q. Do you know where Peek's-Kill is?

A. One of the Kills is above and the other below the highlands, and I may confound their names.

Q. Do you know for certainty, whether Fish-Kill is to the northward or southward of the highlands?

A. I have said there are two places, one Fish-Kill, the other Peek's-Kill; one to the northward the other to the southward of the highlands; I should think that Peek's-Kill was the lowest, where Mr. Bird went to, but I may have mistaken their names.

Q. If the expedition had been sent to Fish-Kill above the highlands, are you of opinion that the expedition would have been carried on with the same facility?

A. I really can't say that; I don't know how Mr. Bird was fitted out, nor how practicable at that time the taking of those forts might be, but I am assured since, that they were not so strong then as when Sir Henry Clinton took them.

Q. From whom had you that assurance, and in what points were they not so strong?

A. From the officers who took them, who assured me, that a good number of the improvements were new.

Q. Do you suppose if the abbatis had been damaged by the winter, that they would not have made a fresh abbatis in the spring?

A. They certainly would have repaired it, but the officers spoke of new obstacles.

Q. Are you of opinion that the troops in those forts, when Sir Henry Clinton took them, were in greater numbers than the enemy had there in the spring?

A. I don't know.

Q. Did you ever hear what force they had there in the spring?

A. Not with exactness.

Q. Do you think the highlands could have been attacked without such a portion of the army Sir William Howe had with him when he went to Pennsylvania?

A. My idea is, that if Sir William Howe had detached from his army as great a reinforcement to General Clinton, as I brought him afterwards from England, he might have done early in the campaign what he did afterwards later.

Q. Sup-

Q. Suppose the attack to have been made when the expedition went to Peek's-Kill?

A. The time I alluded to last, was when Sir William Howe was before General Washington's camp, with a superior army; a detachment at that time would have enabled Sir Henry Clinton to do then what he did afterwards late in the season.

Q. Do you know what force the enemy had in the highlands, at the last period you speak of?

A. I have heard that General Washington collected his force in his strong camp, and I did not imagine that the force in the highlands was very great; but I can't say precisely what it was.

Q. At what time was it that Sir William Howe was before General Washington's strong camp in the Jerseys?

A. I think it was the 10th or 11th of June that General Howe advanced towards that camp.

Q. Do you know the time of the arrival of the camp equipment that campaign?

A. I only know by reading the correspondence; I did not mean it as a reflection for taking the campaign late; I said, before I left this country, that Sir William Howe could not take the field till the 1st of June.

Q. Did you ever understand that the picquets did not move immediately, as soon as there was certain notice that the enemy had evacuated their lines at Brooklyn?

A. I know I was not ordered to move till a great while after they had evacuated their lines. I don't know when the picquets were ordered to move.

Q. You have said, that you was in the road leading from Brooklyn to Yellow Hook—do you know what distance you was then from the lines?

A. I have not refreshed my memory by looking at any survey; but as near as I can say, by recollecting ground that I have been often over, I think I could not have been much mistaken in the distance I have said; perhaps it might have been 200 yards in place of 130.

Q. Do you speak of that distance with any degree of precision?

A. I speak of it from memory of a country I have often passed over; I never measured it.

Q. During the existence of the lines, did you ever pass from that road to the lines?

A. The lines were destroyed before I saw them: I did not see them till a fortnight after they were taken.

Examined

Examined by other Members of the Committee.

Q. Have you read Sir William Howe's letter to Lord Dartmouth, dated Boston, 9th October, 1775?

A. I have read all the letters of that correspondence: I don't know what that particular one alludes to.

Q. Do you approve of the plan of carrying on the war by opening a communication with Canada, and seizing possession of Hudson's river, as the primary object, as laid down in Sir William Howe's letter of the 9th of October, 1775?

A. I have said so lately; I think so.

Q. Was there ever so fair an opportunity of carrying that plan into execution as after the defeat of the rebels on the side of Canada, and the taking Ticonderoga?

A. General Burgoyne's coming to Ticonderoga made that movement very advantageous; there could not be a better opportunity of carrying that plan into execution; it was for that reason, I said lately, that I thought it better Mr. Burgoyne should come down that way, than down the river St. Lawrence, and so by sea to New-York.

Q. After forts Washington and Lee had been reduced and in our possession; after Ticonderoga was taken, and the enemy's force on the side of Canada had been beaten, what obstruction remained to carry the plan, recommended by General Howe, in the letter of the 9th of October, 1775, of seizing the North River, and opening the communication with Canada, into execution?

A. He could not do it without being in possession of the highlands.

Q. Would or would it not have been very practicable for General Howe, when General Washington's army lay at Bound-Brook, or earlier in the spring, to have sent up a body of men in transports to have seized possession of Forts Clinton and Montgomery, and to have destroyed the boom and chain the rebels were then fixing across the river to obstruct the navigation?

A. I have said every thing I have to say on that subject; I need not repeat it again I fancy.

Q. If we had got possession of the forts in the highlands, would it not have been easy to have maintained and kept them?

A. They are very strong on the ground, and we had easy access to support them by water from New-York.

Q. If the obstruction to the navigation had been removed at the highlands, and we were in possession of the Forts Clinton and Montgomery, would there have been any other material

terial difficulties to have prevented the conveying the army within six or eight miles of Albany?

A. I know nothing that could have prevented our going within twelve miles of Albany.

Q. How high does the tide flow in Hudson's River?

A. I have seen it rise three or four feet at Albany.

Q. How rapid does it run in general from Sandy-Hook to Albany?

A. I have gone from New-York to Albany in about twenty hours: I never took observation how much of that I owed to the tide; the distance is 170 miles.

Q. How do the winds prevail generally in the summer months on the Hudson's River?

A. The southerly wind prevails in all fine weather; there are but two winds there; it is either up or down.

Q. What number of cannon do you believe played on the Rose and Phenix as they passed up the North River the 12th July?

A. I did not count them, nor can I say; but I should think from the space they were spread over, and the fire, they might be 200.

Q. What material damage did they receive from the enemy's fire?

A. I fancy they lost a very few men; perhaps not above four or five.

Q. Do you believe that the enemy could, at any time after, have brought such a force to have acted against our shipping in the Hudson's River, supposing we had got possession of the highlands?

A. The great batteries at New-York, and several others in its neighbourhood, could rake the ships from stem to stern, as they advanced the North River above that: all but at the highlands is strait, so that they could not have been opposed by batteries a-head. I think there was no other position of the North River where so much fire could have been brought against ships.

Q. When General Clinton took those forts, were they in a stronger condition then, or in the beginning of May and the latter end of March, when Colonel Bird went to Peek's-Kill?

A. I have said I heard they were.

Q. You have said it was easy keeping possession of the forts in the highlands, as they could have been supplied from New-York with succours by water; why did Sir Henry Clinton abandon them?

A. General Clinton had begun to fortify them, but a good part

part of his force was ordered to Philadelphia. After detaching those, General Clinton thought it prudent for the defence of New-York, to abandon the highlands.

Q. To what principal causes do you impute the decline of our interest in North America?

A. A number of people in America may be seduced by the French alliance, by the capture of Mr. Burgoyne's army, and some may be influenced by motives that I cannot describe.

Q. Do you think, that if Sir William Howe had operated with his force on the North River, after he heard of the taking of Ticonderago in the beginning of July, instead of going to sea, and sailing by the Chesapeak to Philadelphia, that General Burgoyne's army would have been made prisoners?

A. I should think not.

Q. In the conversation you have had with the officers of the army, and the principal inhabitants of North America, did they think with you, that in case Sir William Howe had operated with his army up the North River, that General Burgoyne's army would have been made prisoners?

A. They spoke as I have spoke on that subject.

Q. If on the evacuation of Boston one of the islands had been fortified, could the ships of war have remained under the protection of it?

A. It appeared that Mr. Banks was drove out of the bay, because the enemy was superior on shore, and could annoy them from what place they pleased. Had we been possessed of the most proper island for that purpose, it is probable Mr. Banks could have continued.

Q. As General Howe had recommended this measure in two former letters, do you know of any circumstances that prevented its being carried into execution?

A. I don't know.

Q. Was not the consequence of not forming some protection for the ships of war that were left, the loss of many of our victuallers, transports, and store-ships, and the capture of many of our troops?

A. These misfortunes happened in consequence of our having no ships of war there.

Q. In the former part of your evidence you stated that Sir William Howe had 40,874 men in the army under his command in July 1777, and 29,478, which you afterwards said, in the progress of your evidence, were the men under arms

arms and fit for duty under the commander in chief in his expedition to the Chesapeak, and those left at New-York and Rhode-Island on the first of August 1777—have you had occasion to reflect on the apparent difference of those returns, and can you account for the difference?

A. Memory does not enable a man to be exact in returns, and I only gave extracts. I have had recourse to the returns alluded to in my own possession, and from thence I am able to shew that I spoke with some exactness. The account of the men present with the commander in chief and at New-York, Rhode Island, and its dependencies, were 29,478. By the same return now in my hand, it appears that the sick, prisoners with the rebels, and men on duty, amount to 5933. Wemys's corps, and the second battalion of Skinner's, amounting to 500, don't appear in this return. If the sick, prisoners, and on duty, of twelve regiments of Hessians, and the prisoners of Rhall's brigade, none of whom appear in this return, amounted to 1599 men; the garrisons then at Halifax and Florida added to these, being 3362 men; the two returns then agree, and shew that the army under Sir William Howe was 40,874 men.

Q. On what did you form your calculation of the river Delaware being 700 yards broad, at or about Trenton?

A. I was desirous to give the House the best information I could. They desired me to speak what my memory suggested. Afraid of misleading the House, I have since made inquiry of people much better informed, and understand that no part of the river above Trenton exceeded 400 yards.

Q. Were there not many men of great consequence in the different provinces of North America, resident at New-York and Philadelphia, when you was last there? and did you not hold several conversations with them on public affairs?

A. Yes.

Q. Have you had an opportunity of conversing and corresponding with many persons who are allowed to be well acquainted with the affairs of the revolted colonies, and who from their situation might have been acquainted with the disposition of the people in those colonies?

A. Yes.

Q. Have many people in America suffered by their faithful attachment to this country?

A. Very many.—I have known more instances in that country, than in any other I have read of.

Q. Is

Q. Is not the weather equally boisterous on the coast of America, between New-York and Rhode-Island, in the latter end of November, as in the beginning of December?

A. Storms happen in different months in different years; but I have seen very fine weather at New-York at Christmas.

Q. But, in general, what is the run of the weather?

A. To be able to answer that, I must keep a journal of the weather. I have seen both good and bad weather in both months. If I was going to navigate there, it would be matter of indifference to me in which of the months I should go.

Q. What number of troops were employed under General Grey, when he landed at Bedford?

A. I don't know exactly. I should think between 1500 and 2000 men.

Q. Are you acquainted with the King's Ferry on the North River?

A. Yes.

Q. Was it possible for General Washington's army to have passed at the King's Ferry, we in possession of the eastern shore of the river, and inclined to have prevented him from passing there, by our shipping, gallies, and other water-craft?

A. I should think not.

Q. Can't our men of war ascend there, and lie in that passage, with great facility?

A. I believe so.

Q. How broad is the North River, at the King's Ferry?

A. I think between two and three miles.

Q. If General Washington had passed his army at King's Ferry, below the highlands, and General Howe had gone up the river with the army under his command, in transports and boats, how soon could General Howe have been down to the relief of New-York, if it had been attacked on that side?

A. If the wind was fair, a fleet of transports would have come down in twenty-four hours. If the wind was foul, Albany sloops generally get about eighteen miles a tide.

Q. Are not the winds in the summer months alternate, land and sea breezes?

A. No; not in that river. Southerly winds make fine weather. Any wind in the northern quarter, generally brings foul weather.

Q. If

Q. If General Howe had been in possession of the highlands, could you have supposed any danger from New-York, or to the success of his Majesty's arms from General Washington's crossing the North river at the King's Ferry, if General Howe had gone up towards Albany?

A. I think an army on board in that river would have great advantages on one or either of the banks.

Q. Should you have apprehended any danger from the circumstances stated in the former question?

A. I should not have apprehended any danger of being cut off.

Q. Would you have wished to have got General Washington in that situation?

A. I have said, I think an army in that situation that I have supposed, would have great advantages over one on the shore.

Q. Have you yourself expressed, or did you ever hear any person express at the time, any apprehensions that the fleet which first sailed for Rhode Island under Lord Howe, in quest of Mr. D'Estaing, would be defeated by the enemy?

A. I don't know any thing of the comparative force of the fleets, but I always thought Lord Howe would beat Mr. D'Estaing.

Q. In the various conversations, did you ever hear any person at New-York express any doubt on the subject?

A. Most people thought as I did on that subject.

Q. How many people do you believe were to be found under the protection of his Majesty's arms at New-York in the year 1776, after General Howe took possession of that city, who could have given a minute and exact description of Frog's Neck?

A. It is very near New-York; every body there knew it. As many knew Frog's Neck there, as would know Hampstead here.

Q. How many were to be found in New-York that knew the Hudson's River, and the country in the Jerseys, and round about New-York?

A. When they stir from home, those are the places they go over. If they know any country at all, it is that.

Q. Are the people in America in general less acquainted with the country that surrounds them, than the inhabitants of other parts of the world?

A. Their great traffic there is buying land. I suppose therefore there are more surveyors there, than in any other part of the world.

Q. In your experience in America since the rebellion broke out, have you found the people less disposed to communicate information, than might be necessary to promote the cause of that country?

A. There is a great deal of zeal. Nobody is indifferent, and the people are great newsmongers.

Q. By whom was the person who was employed to bring away the stores from Boston, forbid to proceed?

A. The general directed all good subjects to bring their goods in, and they should be taken care of by this Mr. Brush; (by the general, I mean Sir William Howe.) The people had notice if they did not bring them in, their goods would be taken; that invoices and receipts would be given them, and however affected, the people would get their goods again at the next post. Some progress was made in this, but the people clamoured, refused to make out invoices, and upon these difficulties occurring, the general bid me tell Brush to desist.

Q. Was not the leaving of these goods a great advantage to the rebels, and a great disadvantage to the supply of our troops?

A. It was a great advantage to the rebels. Our troops were supplied as cheap as they would have been by them. They did not mean to take any of them.

Q. Were there not provisions left that would have been of use to the army?

A. I don't know. [*Withdrew.*

Called in again.

Q. If the highlands had been taken in the spring, and General Howe had gone up the North River, might, or might not in the operation a junction have been made with General Burgoyne early enough in the season, for the main army to have gone afterwards to Philadelphia in the same campaign?

A. It depends on so many circumstances and operations, that I can't take upon me to speak to it. It would require a long discussion.

Q. Considering the strength of General Washington's army at Middlebrook, do you apprehend that 11,000 men might have been sufficient to keep that army in check?

A. I imagine 11,000 of our troops could have beat any army Mr. Washington had.

Q. If Sir William Howe had taken only 11,000 men into the Jerseys, would not the remainder of the troops, which he took

took with him, if left at New-York, have enabled General Clinton to take the highlands in the mean time?

A. I have said so before.

Q. You have said, you have returned and been back to America in the course of the war: whether after the town of New-York was possessed by the British army in September, 1776, and that you was appointed commandant, you ever quitted that post until you embarked for England?

A. I did not.

Q. At what time did you embark for England?

A. On the 16th of February following.

Q. When did you sail from England in your return to America in 1777?

A. I left this town in April, but did not get to America till September.

Q. What time did you leave Portsmouth?

A. I was three months getting out.

Q. When did your ship leave Portsmouth?

A. In June.

Q. Did you sail from England in June?

A. I think so. I know I was near three months at sea.

Q. Was you when you sailed then, charged by the secretary of state with dispatches for General Howe?

A. A King's messenger brought me letters to Portsmouth from the secretary of state's office to General Howe, and I carried them with me.

Q. Did you speak of what passed in your absence from America from any other authority than report?

A. It must be from information only I could speak of what happened then.

Q. Could you communicate on the disposition and conduct of the rebels with any other Americans besides those who were in New-York?

A. I had opportunities of conversing with every body that came into New-York, from my situation, and I made it my business to enquire of every body that I thought could inform me of the disposition of the people. I had many opportunities of doing so, some from conversation, some from letters. Latterly great numbers who had lived among the rebels, came in; their information was generally addressed to me. I carried these gentlemen and their informations to the King's commissioners. I dare not name who they were, otherwise their names would gain respect and belief from this House.

The commissioners expressed theirs, and thought as I did about the veracity and importance of the informers.

Q. Do you speak of the commissioners under the second commission?

A. Yes, I said latterly.

Q. Did you ever communicate the contents of such letters to the commissioners under the first commission?

A. The letters I mentioned I received after the commissioners under the first commission left New-York; but I communicated them to the commissioners under the second commission.

Q. Were not flags of truce, generally speaking, brought by non-commissioned officers, or persons associated with the rebels, who returned immediately?

A. I have not said, that I learnt it from flags of truce. I have said, that the rebel army seeing flags of truce pass, had expressed that kind of joy I mentioned. I was led into this enquiry by seeing an orderly-book of Mr. Washington's, where the assertion I mentioned is made. I enquired of people that were then at New-York of the reason of this order, and they accounted for it as I have done.

Q. Do you think intimation from such persons was so far worthy of belief as to ground your own opinion?

A. Yes, a man who was in the rebel orderly-room told me, that he saw General Read, the rebel adjutant-general, come into the room, and said, this report had like to have disbanded their army, and Mr. Washington has been obliged to issue this order.

Q. If a treaty was so much the object of the wishes of the rebel army, how do you reconcile Mr. Washington's public signification to them, that there was to be no treaty, with these known wishes of the army?

A. I imagine that Mr. Washington meant to persuade them, that the King had no gracious intentions towards them, and that the hopes of a treaty were vain.

Q. By what means did you acquire the knowledge, that after the first declaration of the commissioners, the rebels were desirous to treat?

A. From the information I have mentioned as respectable, and which the second commissioners received as such.

Q. Were not the Congress the chosen representatives of the people?

A. When the first Congress was formed, it was by all the violent people of the country; the moderate did not care to appear

appear in it, and the members of the Congress were the most violent they could chuse.

Q. Were they then desirous to enter into a treaty for reconciliation?

A. I never supposed the Congress ever was, or will be, desirous of entering into a treaty. When I say people were desirous of treating, I mean the gross of the people.

Q. To what cause do you attribute the failure of a treaty in 1776?

A. I am not knowing enough to say that.

Q. Where was you at the time that the rebel army rejoiced at the prospect of a treaty?

A. I was on Staten-Island.

Q. At what time?

A. The order I alluded to of Mr. Washington's was the 20th of August.

Q. What time was you on Staten-Island?

A. I came there with the troops, and I left it with them.

Q. At what time?

A. In the year 1776 I was there. I think we left it and went to Long-Island in August, 1776, when we first went there.

Q. At what time were the addresses presented, the signers of which, you have said, were thrown into prison, or sent to the mines?

A. When our army, in consequence of their going up the East River, were in possession of the country lying between that and the North River, the addresses were presented by people living on that track, and they were printed in the New-York paper.

Q. To whom were they presented?

A. I said they were presented to the governor, the governor of the province of New-York.

Q. How came they to be published?

A. They were published.

Q. By whom?

A. I think at the time there was only one printer in New-York, Mr. Rivington.

Q. By whose order?

A. I don't know. I commanded there. I know nothing of the publication.

Q. Do you mean that the addresses came from West-Chester, and the country thereabouts?

A. The addresses came from the people about West-Ches-

ter, New-Rochelle, White-Plains, and the borders of the North River; I don't mean the island of New-York.

Q. Have you reason to believe, that those names were published with the knowledge of the commissioners?

A. No.

Q. What means could be taken for conveying the encouragement for raising men into the countries not in possession of the King's forces?

A. Making the encouragement as public as possible was one means. Another means might have been by a secret negotiation with our friends in the enemy's country; that might not be easily got, but it is not impossible.

Q. What do you mean by public as possible? Could papers be circulated in the enemy's country?

A. Papers did circulate. The enemy's curiosity made our papers circulate. Few weeks passed, but papers of theirs appeared with extracts from ours.

Q. Were any advertisements, containing pecuniary rewards for persons to enlist in the King's service, admitted in the rebel papers?

A. I don't apprehend that the rebels would publish advertisements of that sort; but I gave an instance, that our papers were current among them where our advertisements were contained.

Q. Did you ever hear, if any person employed to circulate such encouragement, or to raise men, were discovered and put to death?

A. Yes, I have heard so.

Q. Did you ever hear that any men belonging to the ships of war and transports were frequently enlisted in our provincial corps, and on application discharged back to the ships?

A. Our provincial corps had an interest in being compleat, and I dare say they took sailors, and I have heard of several being returned.

Q. Were not the friends of government almost universally known and persecuted by the rebels, and often put to death, for attempting, or being suspected, to give intelligence in the service of the Crown?

A. The rebels were watchful, and I think cruel. I think some such instances as are mentioned in the question may have happened.

Q. Whether the possession of the highlands alone would secure an open communication up Hudson's River by water?

A. I remember nothing to interrupt it; and I am the less inclined to think it could be interrupted, because the rebels

with

with a superior army on its banks could not interrupt Mr. Vaughan, who went up and burnt Esopus, and made frequent landings on that side of the North River.

Q. Did you mean that the enemy had an army on the banks of the river at that time, with artillery?

A. Yes, Mr. Putnam commanded there, and appeared with artillery on several points.

Q. Had he more than one piece of artillery on Veer-plank Point?

A. I don't know: but I heard a gentleman that was with Mr. Vaughan say, that they saw Putnam drawing his cannon about, and placing them where he thought fit, and to most advantage.

Q. Did they fire on our ships and boats with that artillery?

A. Yes, they did.

Q. From what point of the river?

A. Above the highlands.

Q. What is the breadth of the river at King's Ferry?

A. I believe it is two or three miles.

Q. Is King's Ferry the point that forms Haverstraw-Bay?

A. I don't take notice of names of places. I know nothing of it.

Q. Is the river wide or narrow upwards towards Albany?

A. It sometimes extends, and sometimes contracts; but becomes narrower towards Albany.

Q. Is it more than a mile broad in any part above King's Ferry?

A. I would wish to give a precise answer; but in distances on water it is impossible to be exact.

Q. If the enemy were in possession of one shore, would not the water communication up the river in ships be prevented?

A. I should think not.

Q. Is the river in the upper parts less than a gun-shot over?

A. Than a cannon-shot certainly.

Q. Whether, in what you have lately said of a ship being able to pass the lower overfalls towards Albany, you mean a frigate drawing seventeen feet of water, or such a merchant-ship as you have described going from London-bridge to Albany?

A. I did say a frigate could come within thirty or forty miles of Albany, and a loaded ship from London could come to the first overfall, within twelve miles of Albany.

Q. What particular obstructions besides the overfalls occur in the navigation of the river?

A. I have heard of none. I have always heard there was water enough for a frigate.

Q. Had the enemy any fort upon, or opposite to, Martlet's Rock, at the entrance of the highlands?

A. The rebels had fortified a rock in the highlands which Mr. Clinton took. I don't know whether that is the rock the question means.

Q. Whether the river does not turn almost at right angles in that part?

A. The river forms a crook in the highlands; all the rest is straight.

Q. Have you any knowledge of the breadth of the river in that part?

A. The lands are very high on each side, which makes the sides look near; but I should guess it to be eleven or twelve hundred yards.

Q. Is it not a common effect of these highlands, to change the directions of the wind, or becalm sails of ships passing that streight?

A. I don't know whether it changes the direction of the wind, but it often becalms.

Q. Is there any anchorage for ships in that part, the streights of the highlands?

A. Close by the high banks there is no anchorage.

Q. Can ships navigate the river there without a fair wind?

A. I have frequently passed through there though against the wind, for the tide was very strong.

Q. In what size ship?

A. In an Albany sloop.

Q. Whether in a change of wind, that ships could not proceed forward on their course upon the river, it would not be necessary to return back with the next ebb-tide, or to anchor?

A. If the tide was for you, you could go on; if against you, you could go back.

Q. If anchoring, and the enemy having possession of either side of the river with artillery, would it not be necessary to land and dislodge them, in order to protect transport-ships from annoyance?

A. If an army, whose motions were quicker on board of ship, found an advantage in landing, they might land; but if they saw a great inconvenience in that, they would of course wait till a wind offered to carry them past the battery.

Q. Do

Q. Do you mean that the ships could lie under the fire of those batteries?

A. If they found they could not land the troops to advance, I conceive they would not approach the batteries without a fair wind.

Q. What island do you mean could have been fortified in Boston bay, for the protection of the ships of war?

A. I don't know the name of the island that would have been the properest, nor what island General Howe's letter refers to.

Q. Do you suppose the loyal inhabitants of any of the provinces possessed by the King's troops, though they were armed, were capable of defending that province after the British army quitted it, in the campaigns 1777 and 1778?

A. I don't apprehend that the inhabitants of any of the provinces, in the years 1777 and 1778, were able to have defended themselves from the continental army, without the assistance of troops; but I have instances of their being very ready to arm: I got ten companies of the inhabitants of New-York to clothe themselves in uniform dresses, to learn their exercise, without putting government to a farthing expence; and they offered to defend the town, or any of the forts about it, that might allow the King's troops to go against the rebels.

Q. Did you ever know an instance of some of the disaffected Americans making such declarations in favour of government, and receiving pardons for their past crimes, when the troops were withdrawn from the province, join the rebel army, and were afterwards taken prisoners, with that pardon in their pockets?

A. I have.

Q. Whether the country about Philadelphia is level or hilly, interspersed with woods, and very strong, for several miles round Philadelphia, more particularly near the Schuylkill River?

A. Within a few miles of Philadelphia it is plain; a few miles from thence it rises into hills, but they are not very large.

Q. How is the country on both sides of the Schuyl-kill, upwards from Philadelphia?

A. It is hilly; not mountainous.

Q. What are the different stations in which you have served, during the twenty-five years you have been in America?

rica? Did not you serve as barrack-master, and for what time?

A. When the war in America was over, my command as quarter-master-general ceased, and the King made me barrack-master-general: I served in that capacity till the King gave me a regiment. I was barrack-master-general from 1765 or 1766, till the troops were leaving Halifax, in 1777.

Q. Did you ever know an army, or a large corps of troops, move in an enemy's country, expecting to be attacked, that carried nineteen, fifteen, or even ten days provisions on their backs; or was it of scouting parties only you meant, when you spoke of those quantities of provisions being so carried?

A. The whole army, penetrating into the country through the woods, carried often ten days provisions. Scouting parties have carried fourteen or nineteen days provisions.

Q. Do you think a soldier can use his arms in action with either of those quantities of provisions at his back?

A. If he came to be closely engaged, he would very probably lay them down.

Q. Then it is your opinion, that this is a proper quantity of provisions to be carried in an enemy's country, expecting to be attacked?

A. The country I allude to was an enemy's country, and the enemies they had to engage carried packs, which they likewise laid down when they had to engage.

Q. Whether ten pounds of flour and forty ounces of pork (the proportion you name for each soldier), is a suitable assortment for subsisting an army in an enemy's country, where provisions are not certainly to be procured on the route?

A. I have seen armies live and thrive on it for three or four months together.

Q. Without any other provisions?

A. No cattle. I mean at Crown Point: we fed on flour and pork, in the proportion I speak of, for three or four months, without any other provisions.

Q. Were they on a march at that time?

A. They had marched, and did march, and were doing hard work.

Q. Whether the 20,000 men you said the general officer demanded, had not relation to the first year of the war?

A. I know nothing of the fact of the general officer's having made the demand. I was asked, if the force sent out was adequate to quelling the rebellion? I said, I never had heard

heard any body wish for so much. I was asked who had said so, or on what occasion the conversation arose? I replied, that I could not be mistaken in saying so, for they had often blamed an acquaintance of mine for asking 20,000 men, and I had often been obliged to take his part, and vindicate him for making the demand.

Q. Do you apply the opinion you have given on General Howe's letters, written to Lord Dartmouth, about the posts to be taken on the North River, to the year 1776?

A. I fancy the letter was dated in 1776. Should that operation have been undertaken in 1776, I can't say. The best time for an operation on that river, was when Mr. Burgoyne was on the other end of it.

Q. Was you the bearer of General Howe's dispatches to the secretary of state, when you returned from America, in February 1777?

A. I carried General Howe's dispatches to the secretary of state.

Q. Did you understand that the minister was referred to you for information, respecting the state of America at that time?

A. The minister told me so.

Q. Was such information asked of you?

A. I was desired to give an account of what was passing, and the Gazette that was formed in consequence, was partly taken from my information. I had no instructions from General Howe to give any particular informations.

Q. Did you make known to the secretary of state what prospect the rebels had of bringing an army into the field that year?

A. I gave him information of whatever was passing, that I knew of; I had no information to lay before him but what was public.

Q. Was you the general that was consulted respecting the expedition from Canada?

A. No; I was not consulted.

Q. What was the rebel force under Putnam, on the 27th of August? Have you not supposed it to be 7000 men?

A. I learnt from several people at New-York, that the force under Putnam, at Long-Island, was 7000 men.

Q. How many of the enemy were there killed, or taken prisoners?

A. About 2000.

Q. What became of the rest of the force?

A. A great

A. A great many escaped over Mill-Dam: the tide was in about the time of the action, and the water pretty high, but when it came to fall, the rebels scrambled through the mud and saved themselves behind the lines.

Q. Was then the remainder (the 5000 men) in the lines at the time you profess to have been with your brigade within 150 yards of the lines?

A. No; I said Putnam had 7000 men; he put 300 in the lines; the rest were in the heights: those I mentioned to have crossed the Mill-Dam, and gone through the water, made their escape afterwards.

Q. What became of the rest that were on the heights?

A. All who did not escape in the way I spoke of were killed or taken.

Q. What became of the large remainder with which General Putnam came out of the lines?

A. Putnam did not come out of the lines; he remained there with the 300 men: 2000 of the 6700 were taken or killed; the rest escaped over the Mill-Dam, or scrambled through the mud and got behind the lines.

Q. Whether you have found, generally speaking, that the accounts given by the Americans, both here and abroad, of the state of the rebels, were uninfluenced by situation and circumstances affecting the security of their own property?

A. I apprehend that all people may be blinded by their interest, and it sometimes deceives them, and sometimes leads them to deceive others.

Q. Would you, if you commanded the British army in America, have risked any operation or movement of consequence on such authorities only?

A. There is a number of people in America on whose authority I would risk any thing. When I consider that question, I don't consider what country a man is of: my confidence is personal and not local.

Q. Was it your lot to have ever commanded, in any offensive operation, in any one action during the present war?

A. I have not had the honour of being in such a situation.

Q. Have you any property in that part of the American colonies now in possession of the rebels, or any pecuniary interest by mortgage or otherwise depending therein?

A. The King gave officers that were reduced some land; I had my share; but there is no part of it that the rebels can damage; it is all wood, that never brought me a shilling.

[*Withdrew.*

Called

Called in again.

The latter part of the last question was repeated.

A. There is a man or two in America that owes me a trifle of money: I shall not be paid the sooner or later for any thing I have said in this committee: all the people in America don't owe me 1500l.

Sir *William Howe.* Q. You have said that the gross of the people were desirous to treat; did they make an offer towards it to the first commissioners?

A. I know nothing of that: the gross of the people can't make offers; they would be hanged if they did.

Q. Was there any means for the commissioners, in the first commission, to treat with the people in general without having first defeated the American army?

A. I apprehend, that the great art of the commissioners was to contrive how to carry on such a treaty without its being discovered.

Q. Were the first commissioners authorized by their instructions to treat in the mode you have supposed they might treat?

A. I know nothing of the commissioners' powers.

Q. You have said, that the rebels had a superior army when General Vaughan burnt Esopus; where was that army?

A. With Putnam, on the banks of the Hudson's River.

Q. Of what number did it consist?

A. I don't know; it was near Connecticut; several days passed, and he had time to collect a great force.

Q. Do you know that force was collected?

A. The officers who came down with General Vaughan, saw them.

Q. What number did they describe them to be?

A. I don't know: Mr. Vaughan thought them superior to him, or he would have driven them away.

Q. When was it that you had the ten companies of Provincials at New-York, and what force had the enemy in the neighbourhood at that time?

A. It was the winter before last, when the enemy were threatening an invasion upon New-York.

Q. What appearance did they make of threatening an invasion?

A. They were collecting carriages and assembling people. General Clinton believed it, and stopped me from going to Rhode Island on the occasion.

Q. Was

Q. Was you going to Rhode Island with troops or alone?

A. Going to take the command at Rhode Island.

Q. Did you know what force Sir Henry Clinton had there?

A. I can't recollect.

Q. Can you say that the rebels had any collected force between the highlands and New-York at that time?

A. They were collecting in Connecticut.

Q. From whence were the troops supplied with fuel during the time they were at Philadelphia?

A. I don't know particularly.

Q. Then you don't know that they were supplied with fuel from woods, within one, two, or three miles of the town?

A. Yes, I think so? they cut down a few trees, off gentlemen's estates, but they were not continued woods.

Q. From your knowledge of the quantity of fuel necessary for so large a body of troops as were then at Philadelphia, do you apprehend they could be supplied but from a tract of wood?

A. I don't remember any tracts of wood.

Q. Must it have been a considerable quantity of wood to supply that army?

A. Yes, certainly.

Q. Do you think that Sir William Howe left at New-York, under the command of Sir Henry Clinton, a less force than was necessary for that service?

A. I dare say the General made the just proportion: no accident happened to General Clinton from the force that was left with him.

Q. Do you think Sir William Howe left too small a force for the defence of Rhode Island?

A. I never thought so: they have always maintained themselves there though attacked.

Q. Are you of opinion, that the 14,000 rank and file Sir William Howe took with him into Pennsylvania, were too great a number, when he expected to meet General Washington's army consisting of 15,000 rank and file, exclusive of militia?

A. I did not know the general's intelligence, and therefore cannot offer a criticism on his disposition.

Q. You have said, that Sir William Howe sent a plan for going up the North River; do you know that the circumstances of the war varied very much in North America?

A. Yes; but the North River and its advantages remained.

Q. Are

Q. Are you of opinion, that General Burgoyne's success in taking Ticonderoga, was a good reason for Sir William Howe's going up the North River at that time, when there did not appear any considerable army to oppose General Burgoyne's progress to Albany?

A. That depends on Sir William Howe's intelligence; and if that led him to believe that General Burgoyne was not to be opposed by a considerable army, I am sorry his intelligence was not verified.

Q. Are you of opinion, if we had taken the forts in the highlands in the spring 1777, that we could have kept them without keeping an army in the highlands?

A. Yes, if we had kept a good garrison.

Q. When the Phenix and the Rose went up the Hudson's River, did you ever hear the opinion of the sea officers on that occasion with respect to the remaining there without a greater force?

A. I know the rebels were like to have burnt the two ships.

Q. Do you know what was the opinion of the sea officers before the ships went up?

A. No.

Q. Was there any time to fortify any island when the army was coming away from Boston?

A. When we were in Nantasket Road we could have taken our own time.

Q. Do you remember the number of days provisions we then had?

A. I don't remember the number of days, but I know the general sent me to try what provisions could be picked up at Halifax to prepare for the army.

Q. What number of victuallers were taken in Boston harbour?

A. I believe a number of ships were taken besides the transports. I do not know their lading.

Q. Whether Mr. Brush, who had the care of the goods at Boston, was not put into that place by General Gage?

A. Yes.

Q. When did General Clinton come to America?

A. I don't know the day General Clinton came to New-York.

Q. Do you know how Sir William Howe's troops in Jersey were disposed of, the beginning of the campaign of 1777?

A. No, I don't know exactly. [*Withdrew.*

June

June 15.

Right Hon. *T. Townshend* rose, and prefaced his motion, to address the King, not to prorogue the Parliament, with a general view of the present state of our affairs. He observed, that ministers had asserted that the majority of America wished for an accommodation; if this was the case, it was a very strong argument for Parliament to continue sitting, that they might co-operate in the much-wished for work of peace. It had been said, indeed, that the Crown might call them together at fourteen days notice; he denied, however, that the militia act of 1776, which he ordered to be read, gave them any such powers in the present case. He took notice of the preparations of France, and the alarming prospect of a speedy rupture with Spain, while our resources were drained by the horrid war with America: France had not as yet made exertions, in any degree proportioned to those which she had made for several years past; she had a fleet nearly equal to our own; and fatal indeed might be the result, if Spain, who was fresh for the contest, whose fleets have not been beaten, whose resources have not been wasted, should throw her weight into the scale. With regard to Ireland, from her defenceless and miserable condition, she was an inviting object of attack; and treated as she had been, goaded and persecuted, injured and oppressed, mocked and insulted, year after year, what must be her feelings! Every sessions, hopes of redress had been held out to her, and as constantly disappointed. He besought ministers to consider, that it was their wretched miserable plan of procrastination, which lost us America. He had never heard those who supported the characters of the ministers the most zealously, go farther in their vindication of their measures, with regard to America, than this: "Their measures," they will say, "were right in themselves, but unfortunately every step was taken a year too late:" that is, that the measures of 1775 ought to have been those of 1774; those of 1776, those of 1775; those of 1777, those of 1776; and those of 1778, those of 1777. Let them, said he, keep this unfortunate circumstance in their minds, and beware of the same mistake in the affairs of Ireland; they will perhaps find, that the measures which they intend to take in favour of Ireland, may be ineffectual in 1780, though they might have produced every desired end in 1779. Discontent and insurrection may be easily prevented in time; but we have woeful experience, that if once raised, they are not easily quelled. Among the many

many alarming circumstances of the present times, he particularly adverted to the total want of foreign alliances. He dwelt for some time on this matter with great energy.—After discussing these various topics with ability, he proceeded to make some very pointed observations on the present state of the American inquiry, which he thought was one of the strongest arguments for his intended motion.—To prorogue Parliament, in the present stage of it, would be to injure the public, who had a right to have the affair sifted to the bottom, as well as to the commanders, who have had fresh charges brought against them by the witnesses adduced by the noble Lord, and who will not, if Parliament is immediately prorogued, have an opportunity of doing justice to themselves on those charges, either by a cross-examination, or by what is much more material, the production of fresh witnesses to contradict the new evidence.—The commissioners who had been sent to America, he could not but observe, had exerted their first endeavours to procure peace, but they had been still more industrious to collect matter of accusation against the commanders in chief. This was observable by the turn of their questions in this inquiry, and the assiduity and spirit, not to say acrimony, with which they had examined the witnesses.—As the present motion might possibly, like many others made from that side of the House, fail of success, he should take the present, as it might be the last opportunity, of making some comments on the evidence. After bestowing the warmest encomiums on Lord Cornwallis, he observed, that his first answer was the most honourable panegyric on Sir William Howe, "whose activity the noble "Lord had highly commended," professing himself "*happy* "*in a public opportunity to declare his great regard and veneration* "*for the character of Sir William Howe,*" and adding, "*that,* "*in his opinion, Sir William had deserved greatly of his country,* "*which he had served with fidelity, assiduity and great ability.*" He took notice of the difference of conduct of Lord Cornwallis and General Grey with regard to answering matters of opinion.—As circumstances then stood, he thought them both right.—General Grey was not to return to America, it was therefore his duty as well as his right to deliver his opinions concerning the operations and practicability of the war, and the temper of the inhabitants; but had Lord Cornwallis, who was to return to America, where the command in chief might devolve on him, given his opinions, he might have been embarrassed by them, as he might see reason to change them,

and they would certainly be made use of against him if he failed of success.—He believed, however, (he did not say this from any thing Lord Cornwallis had said to him) if the noble Lord had been called to a second examination, after opinions had been given by others, he would readily have declared his own.——He then proceeded to draw a comparison between the evidence of General Grey and General Robertson.—General Grey, he observed, was one of the most respectable officers in the British or any other service; he had served with the greatest reputation both in Germany and America; though he gave his opinions frankly, he was not a man to take them up lightly.——With regard to General Robertson, he was a very able and a very deserving officer; but General Grey gave his opinions of the strength of the country from experience; General Robertson only from seeing some parts of it with a military eye.—General Grey gave no opinions of what happened before he came, or of what he did not himself see. His services, and those of Lord Cornwallis, had been as enterprizing and as active, though not, he believed, so lucrative as those of General Robertson; they both stand as high in the estimation of military men as any officers in the service; they are both remarkable for nothing more than their spirit of enterprize.—Much had been said of the length of General Robertson's evidence;—many causes contributed to it.—Lord George Germaine had started many new topics,—he had asked questions concerning plundering, not protecting the inhabitants, and not forming corps of loyal Provincials.—Governor Johnstone had touched on the ill package of goods and stores taken from Boston, and the not fortifying the islands in the bay; and besides, as direct answers could not be got from the General, it was necessary to ask five or six to get an answer to one question.——Having dwelt for some time on these matters, Mr. Townshend adverted to the ministerial accounts of the loyalty of two-thirds of the Americans; if this was true, he could not account for the number of refugees now in England. Two-thirds of the people, supported by an army of 60,000 men, exclusive of an American army in the service of government, stated as much superior to that in arms against Great Britain, ought to have dispossessed Congress of their power; he, for his part, however, did not believe these accounts; they outraged common sense; they were contradicted by daily experience.——Mr. Galloway, he understood, was to be the next witness; he did not mean to reflect on him, he should shew his ignorance and malevolence if he did.

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That gentleman, he heard twenty years ago, was a man of very considerable abilities; he was elected a member of the first Congress; General Robertson had described the election of that Congress in these words: "the most violent of the "Americans chose the most violent among themselves." He had left that Congress, and had come over to Sir William Howe. Since the evacuation of Philadelphia, he had found his way to England, and was now under the protection and in the pay of Government. He did not mention that last circumstance by way of reproach; he thought the ministers highly blameable, if he did not receive some provision from them; it was a circumstance, however, which would set his evidence, if he should be the next witness examined, in a very invidious light; any accusation he might bring against the General would have a very unfavourable appearance, if brought at a time when he can receive neither cross-examination nor contradiction.——Did ministry, he asked, wish to drive from the service, at this time, the officers who were now the objects of inquiry? had they not already almost dismantled it, by stripping it of the great men who had been obliged to decline command? he wished them seriously to think how they added to that number. The noble Lord had proposed some questions concerning the landing at Quebec;—had he forgotten who led the light infantry, who led the advanced guard—he had almost said, the forlorn hope of that army?—It was Sir William Howe—it was that Sir William Howe, who was now the object of their attack.——After dwelling for some time on this matter, with an energy that did the highest honour to his feelings, he reprobated very warmly the pitiful, wretched policy of the present ministers, with regard to those whom they employ.——There lurks, he observed, in every branch of the service, something that is greater and more powerful than the commander in chief,—somebody whom no favours can oblige, no confidence attach —If an officer has success, it is well;—but if he fails, there is somebody to be brought forward, who is to traduce his measures, and to stab his character. The court confers command in one place, and confidence in another; it is a vice that runs through every department.——Perhaps, continues he, there lurks at this moment in Sir Henry Clinton's army, some dark assassin, some skulking spy, to watch his actions, to treasure up every little incident, and if he fails of that success which has been represented as almost certain, to become his accuser. That honourable commander has already re-

ceived one specimen of the good-will of ministers.——Perhaps there is some person waiting to perform the like good office to Lord Cornwallis, on whom the command may devolve; for him he could not but most sensibly feel;—he was almost as near to him in blood, and as near in friendship and affection as a brother;—he could not but call to mind the zeal with which he had served, and the heavy price he had paid in family distress for indulging his passion for the service of his country.——He concluded by observing, that he should have thought himself fully justified in his motion, by the general state of public affairs,—but that the present state of the inquiry made it an object of parliamentary justice.——When two parties were at issue, and one of them had it in his power to stop the process when he pleased, it became the House to interpose, and to prevent an abrupt end being put to the business, at the time when the state of the evidence is most advantageous to that party, and most injurious to the other.——He therefore moved,

"That an humble address be presented to his Majesty, to express the deep concern his faithful Commons feel for the series of disappointments, and calamitous events that have attended the American war:

"That, impressed with the duty they owe to the public in their capacity of a national inquest, they have been some time engaged to investigate the causes of such misfortunes:

"That in the progress of their inquiry, much important matter has appeared respecting the deliberation, and the executive conduct of the war. That the part of the examination immediately before them promises discoveries into many other objects that it may be highly essential to lay before his Majesty, in order to enable his Majesty to form a just judgment upon past measures, and to assist his future councils:

"That an interruption in their proceeding at the present crisis, would not only defeat these great and necessary purposes, but also would be subversive of the justice due to characters of persons in great office among his Majesty's confidential servants, and others of high rank in his army, which stand at present committed by contradictory evidence in matter of opinion, and by obscure, because imperfect evidence, in matter of fact:

"For these reasons, and others that are too distinctly pointed out by the exigencies of the time, they humbly implore his Majesty not to prorogue the Parliament before the present inquiry shall be finished; and they beg leave to assure his

his Majesty, that they will cheerfully forego all consideration of the private benefits and comforts of a recess, to prosecute a duty highly conducive to the public satisfaction, and in the course of which lights may be derived, of the utmost importance to the policy, if not to the salvation of the state."

The motion was seconded by Sir Robert Clayton.

Lord *Beauchamp* replied. The substance of his reply was, that the sitting of Parliament would not conduce to more vigorous and effective exertions on our part, for that we were not able to do more, though Spain should declare in favour of France, on the probability of which he did not pretend to decide.

Respecting Ireland, he mentioned several instances of the loyalty and affection of that country; and said the rumours of an insurrection in the county of Monaghan, arose only from the people of property in that county, each individual of whom bore their own expences, proceeding to an election of their own officers; and that Ireland, whatever her just complaints might have been, no longer had reason to doubt of the sincerity of Great Britain, as the nation, through the medium of both Houses of Parliament, stood solemnly pledged to redress the grievances of that country, by an unanimous vote of both Houses.

As to the sitting of Parliament, to consider of proper terms to be revived or offered to America, that was totally unnecessary; because overtures to America had been already made, and rejected; and before any farther steps could be taken towards a conciliation, overtures must first come from America.

And as to keeping Parliament sitting, for the purpose of going through the evidence in the committee to inquire into the conduct of the American war, it was, in his opinion, entirely unnecessary. The commanders had been charged, out of doors, with misconduct; they had been permitted to bring evidence to justify their conduct, and screen themselves. Their defence involved an implied censure upon the noble Lord, the American secretary. It was proper, therefore, that his Lordship should be heard in reply. It was proposed not to deny him this act of indifferent justice; consequently, if the committee should stop short, he did not see how either side could reasonably complain; and as for commenting on the evidence given in a committee, he begged pardon of the right honourable gentleman who made the motion; but he believed till the House was in possession regularly of that evidence, it was extremely irregular to comment or argue upon it, so as to influence or direct the judgment of the House.

His Lordship moved the order of the day, by way of the previous question; not wishing, he said, to give a negative to a measure which, if rightly timed, or necessary, from the existing state of affairs, might become extremely proper.

Governor *Johnstone* replied to what he deemed the personal charges made by the right honourable gentleman who made the motion; and which, he observed, though equally applicable to the rest of his brother commissioners, bore the appearance of being particularly levelled against him. He would not say that those charges were malicious, because he knew the honourable gentleman was superior to any motives of faction or malice; but he could not help observing, but for that circumstance, they bore every appearance of it.

The honourable gentleman had particularly alluded to his examining General Robertson, respecting the evacuation of Boston, and of his minutely inquiring into the number and quality of every bale of goods which was left behind. Nothing could be more unjust, respecting that part of his intentions, in wishing to be informed particularly as to the evacuation of Boston, than those imputed to him by the honourable gentleman. He had other reasons for putting questions on that subject. He knew the hurry and confusion resulting from such a situation too well, to suppose that the regular and proper arrangements of an unembarrassed evacuation could be minutely attended to. He did not look for it; he did not expect it.

A principal motive he had for pushing that part of the examination alluded to by the honourable gentleman, was of a private as well as of a public nature. The widow and relations of the late Captain Banks, who said, if Governor's, or some other island in Boston harbour, had been fortified, he could have kept his station, in order to protect the victuallers, store-ships, &c. when Sir William Howe evacuated that town; but that being neglected, he was prevented by a battery on shore, which annoyed him in his station. This was the reason why he examined General Robertson closely on that subject. He thought, from Sir William Howe's letter to Lord Dartmouth, on the 9th of October 1775, and in a subsequent letter to the same noble Lord, on the same subject, recommending, or rather suggesting, the propriety and apparent necessity of fortifying that island, that before the General left Boston, he would have given orders for carrying into execution a measure which he himself seemed so warmly to approve; nay, the General had actually given orders for taking a survey, and seeing and fixing on the most proper

proper spot to erect the proposed defences, in order to counteract any batteries or defences on shore, which might be erected in case of an evacuation. But no such defences had been erected; and, on that presumed neglect, the late Captain Banks had founded his justification, in not remaining on his station, to protect the victuallers, store-ships, &c. daily expected from Europe; and which, from that circumstance, had fallen into the hands of the enemy, much to their advantage, and our detriment and damage.

It had come out in the course of the examination, however, he was free to acknowledge, that a ship of war had kept the same station which Captain Banks deemed dangerous and untenable, for eight days, which shewed that the neglecting to fortify the island was not a matter of such importance as he was at first led to imagine; though still he could not see any reason which could induce the General to neglect to give the necessary directions, because its being fortified would have precluded a possibility of excuse.

It was strongly insinuated, though not asserted by the honourable gentleman, that he wished to criminate the commander in chief. He was sure he could not have any interest, nor could he gratify any resentment, for he retained none against the honourable General. He had the honour of knowing him personally; he had the highest sense of the zeal, alacrity, and spirit, manifested in the service of his country. When he said this, he neither wanted to qualify his words or his general opinions. What he said, he said openly; he never was, nor believed ever would be, reconciled to the expedition to the southward. He had an high opinion of the professional ability and personal integrity of General Grey, but he was not yet convinced how operations by Chesapeak could promise to be the best co-operation with General Burgoyne down Hudson's River. From the first moment he gave an opinion in that House, since the commencement of the present session, he expressed his disapprobation of the quitting the Jerseys, and going to the southward by sea. He was no military man, but from what he could gather from the evidence at the bar, he had heard nothing sufficient to induce him to alter his opinion: that dulness might proceed from his ignorance and want of discrimination, but such as his judgment was, he must abide by it; it ought and would be his only guide; consequently, till he heard better reasons than any that had been yet assigned, he must continue of his former opinion, that the best mode of co-operating with General Burgoyne in the

neighbourhood of Albany, was not to go round by Chesapeak, and carry on operations at some hundred miles distance.

The right honourable gentleman animadverted with great severity on the evidence delivered at the bar by General Robertson. He has described him, as giving opinions on which he was not competent to speak, because he was then in his military government of New-York; but I should have imagined that the honourable gentleman would have given the General some degree of credit for his long experience in the service; for his local knowledge of the country; for the very high opinion entertained of his military knowledge and experience by Sir William Howe, his principal in command.

I observe from a letter written by Sir William Howe, that when the rebels began to fortify themselves on Dorchester Neck and heights over Boston, that General Robertson offered to attack them (not to treat with them, as has been stated in a certain morning print) before they had effected their purposes, which attack would have taken place, but from accidents of wind and weather. It is well known that if they had been drove from that post, that the royal army could have remained in Boston, as long as it appeared convenient, and have quitted it at pleasure, and without a risk of inconvenience or hazard. There is another letter in the correspondence, in which Sir William Howe, as well as in the former, bestows high commendations on General Robertson, and desires that he may be again sent to America, as an able and useful officer. This testimony of the commander in chief, in General Robertson's favour, goes, I confess, a great way in confirming me in the opinion I entertained of his abilities and integrity; because it happened at a time when nothing but duty, impartiality, and conviction, could be the ground of such an opinion.

The right honourable gentleman has not only commented on the evidence already given, however informal the procedure may be, but has even commented on the supposed motives which may influence Mr. Galloway, who has not yet been at your bar, in the testimony he shall give when examined. Mr. Galloway has been a member of Congress; he was driven from that assembly; he went over to New-York; he flew to this country, and he is now supported and countenanced by administration, says the honourable gentleman. This all may be, and I believe is, very true; but I will tell the honourable gentleman a circumstance which he does not know, or has forgot; that this same Mr. Galloway once enjoyed the strongest

strongest marks of favour from the commander in chief, and the noble commissioner his brother; that he was once caressed and confided in by them; and it is fair to conclude, if Mr. Galloway was not a worthy, as well as an able man, he would never have been able to procure the friendship of the honourable commander in chief, and the noble admiral.

I remember a time too, and not long since, when General Robertson's opinions as an officer, and a person long acquainted by his local residence in America, were held in great esteem by some of the friends of the right honourable gentleman. I well recollect, when General Robertson's opinions went to condemn measures of mere force, how strongly they impressed themselves upon the minds of many of those with whom I had then the honour of acting and agreeing in opinion; and I confess my astonishment, when I hear some of those very gentlemen differ from General Robertson, or rather shew an inclination to discredit his evidence upon a change of sentiments in the people of America, not then in existence.

As to the propriety of proceeding in the inquiry, it appears to me that it should be continued as long as possible, or any colour of convenience or benefit will admit. I would wish to have the gentlemen that are to be called on the part of the noble Lord, examined. I would, from the same motives, be desirous of hearing witnesses to material points on the part of the honourable commander in chief, in order to controvert, if in his power, any part of the evidence adduced on the other side, which he may imagine had borne hard upon his conduct. Farther than this I fear we shall not be able to go; so far we ought, in my opinion, to proceed: and when these objects are obtained to the satisfaction of both parties, I would then recommend to have the minutes preserved, as parliamentary documents, proper to be taken up, and followed with farther evidence, in the course of the next session, till the whole was finally investigated and compleated; till, in short, Parliament and the people at large may be fully enabled to judge on the conduct of ministers and generals, and as well be enabled to judge of the measures already adopted and executed, as to determine on what may be proper to adopt and pursue hereafter.

The gentlemen who may probably support this motion, will press the necessity of agreeing to terms of any kind almost with America; for my part, I shall never agree to any terms, tending

tending to effect a separation between Great Britain and America. I always thought, and am as well pleased as the right honourable gentleman at the bar, that my previous opinion has been confirmed by General Robertson, that ministers were to blame; that they were ignorant and misled, in insisting that America, in the early stages of this business, wished any thing more than to be exempted from taxation, nor thought of independence, till forced into it by the oppressive, unconstitutional, and unjust, claims of this country. I still retain the same opinion. I am farther confirmed in the same sentiments, by every day's experience, and, in my opinion, that is the true point of discrimination between the two contending parties in America. Almost every man in America, of every description, would resist taxation; that clearly relinquished on our part, as it has been, marks the line of departure between the loyal and constitutional part of the people, and those who would league themselves with a foreign foe for our destruction, in support of an unnatural and impolitic independence, in order to retain their own personal consequence, and the usurped powers they are now in possession of.

Sir *William Howe* made a short reply to a passage in Governor Johnstone's speech, in which that gentleman affirmed, that he [Sir William] declared, that he had no charge whatever to make against Lord George Germaine. If the honourable gentleman had confined his assertion to a preceding period of the business, it might be well supported; for he could fairly say, his motive for urging the House to appoint a committee to inquire into his conduct, was to clear himself from those cruel and unjust aspersions which had been thrown on his character without-doors, and the particular charges made by the honourable gentleman who spoke last.—His examination went solely to his own exculpation, and was not directed against the conduct of the noble Lord.—But as, in the course of the inquiry, the noble Lord had made a speech full of the strongest accusations of incapacity and neglect, and had followed those accusations with calling a witness to the bar, who not confining himself to them, had been questioned in such a manner, as bore an apparent design of condemning every part of his conduct throughout the whole progress of the American war; surely, it was a very extraordinary conclusion to say, that wishing to be heard in his defence, amounted to an avowed intention, on his part, of accusing the American minister. If his own exculpation should involve in it an impeachment of the conduct of the American minister,

minister, so far he was an accuser, and no farther; but to presume, that while he was defending his own honour and character, he was acting the part of an accuser, was not an inference supported either by candour or truth; while, on the other hand, it would be equally improper and foolish for him to pretend to pre-judge the noble Lord's conduct, or anticipate the decision of the committee, by affirming, in his place, that it was his opinion that the noble Lord was totally blameless. The decision must rest with the committee; and to that, whatever it might be, both the noble Lord and he must submit, their opinions for or against each other being of very little avail.

Mr. *Conolly* said, he agreed with Lord Beauchamp in one sentiment, that Parliament could do no good, if kept sitting; and he would farther add, that he never knew them, since they first sat, do any good, though he was sorry to say, that he was well convinced they had done much mischief.

General *Burgoyne* then rose, and begged the patient hearing of the House, it being possibly the last time he should ever trouble them.

He then enumerated the several acts of injustice he had experienced from ministers, and their friends in that House, and the various modes devised by them to stop all inquiry into his conduct.

Thank God, however, ministers were obliged to give way to the feelings of the House, and the committee were permitted to proceed.—How often had it been asserted in the House, by persons of great authority, that when he passed the frontier of Canada, he had twelve, at least ten thousand men under his command? Was that the case? Was it not in proof on the table that he had not five, independent of the savages? How often had it been asserted, that the passage of the Hudson's River, and almost every previous and subsequent operation of the campaign, was contrary to the opinion and approbation of General Fraser? He hoped the fallacy of such an ill-founded charge was made sufficiently manifest, even to his most prejudiced and inveterate persecutors. How often had it been urged by persons in that House, that he had in the face of an undisciplined rabble, a raw militia, far from being numerous, consented that five thousand British troops should disgracefully pile up their arms, though it had been proved by the returns of both armies, and by the testimony of several most respectable witnesses, that the enemy were at least four times more numerous, were well disciplined, and that the number of troops which piled

piled up their arms, British and Germans, fell short of 3,500? Was it not urged, with the most shameless confidence, in that House, that, previous to the signing of the convention at Saratoga, General Phillips made an offer to force his way back to Ticonderoga with part of the army; while from the written evidence on the table, in a letter to the secretary of state, still farther authenticated by two or three respectable witnesses present when the offer was made, it appears that the offer was not to force his way back to Ticonderoga with a part of the army, but with a guide or two, in order to defend that place, should the rebels think proper to attack it?

After referring to almost every particular charge of military misconduct urged against him, and shewing, in the same manner, how fully they had been refuted, he begged the farther indulgence of the House to explain what he meant, by saying that this would possibly be the last day he should ever rise or speak in that House. This could not be effected agreeably to his wishes, without recalling to the House particulars he often before had occasion to trouble it with, though not perhaps in the present arranged and collected manner.

As soon as the disaster happened at Saratoga, and the necessary difficulties relative to the fulfilling of the terms of the convention, so far as his presence was necessary, or could be conducive to that end, he applied to Congress for permission to return to England.

His reasons were many and important, as the sequel fully proved. He had sufficient experience of the conduct of ministers, to suspect that they would endeavour to screen their own ignorance and incapacity, by endeavouring to throw the blame upon him; he therefore thought it his duty to take the proper steps to vindicate his own honour, not, as it had been often falsely suggested in that House, to accuse them, in order to screen himself, or turn the popular current in his favour. On his arrival, he was cordially and friendly received by the American minister, until it was found that no temptation, however powerful and hazardous, however pregnant with danger, could allure or frighten him from his fixed and immoveable purpose, of vindicating his professional honour, which would of course call the conduct of ministers, particularly of the noble Lord over against him, into question.

From the instant this purpose was clearly understood, his character and fortunes were proscribed; and every measure was adopted most likely to complete every species of ruin, and

and to prepare the public for the daily falsehoods and misrepresentations which were set forth in print, or conversations. But still injustice must be accompanied with great art. Foreseeing that he would immediately have insisted upon a court-martial, which would have fully exculpated him in the opinion of his Sovereign, and the public, they convened five general officers, to give an opinion whether he was amenable to a military tribunal, who were (as has been said) of opinion, that he could not be tried, till released from the terms of the convention.

What then was his situation? Shut out from the presence of his Sovereign, disgraced and prejudged by his fellow-citizens, he had no other course to take, but submit to the arbitrary will of his oppressors and persecutors; to surrender all pretence to conduct and military character, or commit all his future prospects to the issue of a public appeal. He made the latter option, and, thank God! had confounded his enemies.

He did not take this step, however, merely upon personal motives; he was urged to it by strong national considerations; for he at length saw, that if he had been base and pusillanimous enough to submit to the ideas of ministers, such a submission would establish a most dangerous and mischievous precedent; it would go to the extinction of all military honour; it would break the proper connection between the persons intrusted with the exercise of the executive power and the military: it would reduce every man, who accepted a command under such men, to a state of ministerial slavery; and, finally, it would establish a system of implicit obedience and servile acquiescence, totally incompatible with that spirit of freedom which he trusted ever would inseparably mix itself in the character and conduct of a British officer.

On these motives, both private and public, as well as on account of the manifest weakness and incapacity of the persons presiding in the King's councils, soon after his arrival he went into opposition. He had sufficient reason indeed; fatal experience had taught him what he was to expect from their justice; the alarming state of the country, and the tremendous prospects which presented themselves on every side, afforded ample testimonies of their abilities; they were no longer worthy of public trust, and the greatest service which he could render to his country was, by endeavouring to

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point out those measures, and the authors of them, which promised, sooner or later, to lead this country to inevitable destruction.

The Parliament, however, had not been prorogued above two or three days, when he received a letter to repair to Boston, to join his captive army. He represented against that hardship. In a few weeks after he received another letter, through the same channel, repeating the same order. These surely were the malicious revenges of weak and malicious men. This last letter was likewise conditional; but if it had not, but had been positive, he confessed he would not have obeyed it, but would have laid the fruits of forty years service at his Majesty's feet, sooner than comply, or give his enemies cause of triumph. This part of his conduct had been much canvassed by certain persons; but he should ever be of opinion, that the English citizen is never lost in the soldier, and that the latter capacity does not compel a man to submit to oppression and injustice. Indeed, if it did, he believed the British army would be soon disrobed of its best officers.

He then returned to his former ground, respecting the various calumnies and false assertions that had been made relative to his military and civil conduct, as well within as without that House; and observed, that when every other calumny had been refuted, his enemies had propagated reports and insinuations that he had "tampered" with the public purse. He had it not in his power to do it, if he had the inclination: he proved at the bar that he had neither. Thank God, "his hands were clean!" and he should only add one circumstance more, "that if he could come to the knowledge of the base calumniator, who first propagated or circulated this notorious falsehood, he would most assuredly make his heart ache."

He then informed the House, that his object for his remaining in England, that of vindicating his character, being at an end, should orders be now issued to re-deliver him into captivity, he was ready to obey. He understood there was but one witness, should the committee of inquiry proceed farther, to be examined on the other side. He was willing to trust the issue to the evidence already on the table. His public accounts, with all his assiduities to have them settled, were not adjusted; but such was the consciousness of his own rectitude, that he could leave them to be examined and finally adjusted, even by his most inveterate enemies. These were his present intentions, and considering his precarious state of health, and how unfavourable an American winter was to his constitution,

tion, he believed he was tolerably well justified in his expression when he rose, that it was the last time he would ever rise to speak in that House.

Mr. *Dundas*, Lord Advocate of Scotland, said, that the honourable gentleman had presumed he had been perfectly justified in the opinion of the House, from the evidence on the table. For his part he drew a different conclusion from that evidence; but even if it were more favourable than it appeared to him to be, he thought it extremely irregular and improper to state any part of it, or argue and draw deductions, till the contents were reported to the House. He was one of the persons alluded to in the honourable gentleman's very long speech, he having censured his conduct. He acknowledged it; and had heard nothing to the contrary sufficient to induce him to change his opinion. He thought that the loss of the northern army was the great cause of every subsequent disappointment; and he was not backward to repeat, that he thought that loss was imputable to the General.

After speaking in this strain, he turned to the question respecting Ireland. He said, full satisfaction had been given to that country by the unanimous votes of both Houses; and as to keeping the Parliament sitting for the purpose of assisting the ministers with their advice, he ridiculed the idea as infinitely absurd and ridiculous.

He said that deliberative assemblies had nothing to do with military operations. The Romans, so far from consulting the senate, or keeping them sitting in times of difficulty and danger, armed the executive part of the state with the most ample and extensive power: nay more, they went farther, they suspended all the civil functions of the constitution, and vested the whole civil and military powers of the state in one man, under the name of a Dictator. All kind of political controul, consuls, &c. gave way, and their powers were exercised by a Dictator. Instead of keeping the senate sitting after the battle of Cannæ, they appointed a Dictator, and by that means saved their country, and escaped that destruction Hannibal was meditating.

As to the keeping the House sitting, for the purpose of going on with the inquiry into the conduct of the American war, it was still, if possible, more ridiculous than the former. There would be no attendance; it would take up too much time, and would end in nothing. For his part, he heard nothing proved which made any impression but what he formerly retained. He thought the force was adequate. He disapproved of the expedition to the southward, before the committee

committee was instituted; he thought so still.—Gentlemen on both sides of the House came down with prejudices. They heard every thing through a false medium, and drew conclusions accordingly, as they were more or less affected by those prejudices. He disapproved going into a committee at all. He disapproved of the manner in which it had been conducted; and in his opinion the sooner it should be dissolved the better.

He said he could not help observing a very improper expression which fell from the honourable General, where he said he had disobeyed, and would disobey, a military order which came from his Majesty; and imputed that order to his Majesty's ministers. This, he said, was language he would never permit to pass unnoticed. His Majesty was at the head of the military; he was commander in chief of the land forces, and captain general; he would have that honourable gentleman to consider the consequences of a positive refusal to a positive order, issued by his Majesty; he doubted not but it would be not only disobedience, but worse. He was proceeding, but was called to order by three or four members. He still persisted, till called upon from the chair.

The *Speaker* said, that certainly to speak of the King's name in a debate, was disorderly, and therefore he must interrupt him.

Mr. *Fox* said, it was disorderly to refer to any one public act of his Majesty, civil or military, without presuming he was advised to it.

The *Lord Advocate* insisted that he had been improperly interrupted by the chair, when he was saying no more than that issuing a millitary order did not require that species of advice which is supposed to accompany the King's speech—A very great clamour now arose, and a cry of Chair! Chair!

The *Speaker* said, he had not interrupted the learned gentleman improperly; for no member has any right to use the King's name in a debate, of what his Majesty did or wished, &c. and the reason of that principal order was, lest the introduction of his Majesty's name might have the appearance of influencing the decision from improper motives.

The *Lord Advocate* rose again in great heat, repeated his former arguments, and said he disregarded the opinions of any man.

Lord *John Cavendish* said, the true point of order is this; that the King's name ought never to be mentioned in a debate in that House; that the true parliamentary language was, "the Crown," which it was well known could exercise no

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one act of magistracy or power whatever, respecting the public, without being advised; to consider the King, therefore, in his personal capacity, was extremely disorderly and unparliamentary: if the order referred to was issued, it was against every principle of the constitution, even to presume for an instant that it was not done by advice.

The *Lord Advocate* was again proceeding to controvert the opinion given by the chair; but was compelled again to sit down in a storm of disapprobation.

Mr. *Burke* rose, in reply to the Lord Advocate. He observed, that the learned gentleman acknowledged he came down with prejudices; that he had pre-judged the cause, and shut his ears against all evidence; and if a person had arisen from the dead, that he was resolved to retain his prejudices, and prejudices too of a very extraordinary nature; for those prejudices arose merely in the learned gentleman's own breast, without any information whatever, and went to what? To a decided opinion on the conduct of the two generals, upon which he confessed, that not only himself, but the whole House of Commons, were incompetent to give an opinion.

After holding out what he called the monstrous absurdity, and blind confidence of such a mode of reasoning, he said he was much puzzled to account for it, till he recollected another expression which fell from the learned gentleman. Says he, "I do not care what any man thinks of me." There at once was an end of the matter; his whole conduct and sentiments are exactly correspondent. He tells you in one part of his speech, "I came down to the committee, with invincible and incurable prejudices; I was not informed, and was determined not to be informed;" and what is his reason? a very apt one indeed! Because, says the honourable gentleman, "I do not care what any man alive thinks of my conduct."

The learned gentleman has said, the House was wrong in instituting the committee; the committee have acted improperly in their mode of proceeding, and the folly and inefficacy of the inquiry will be proved by the issue.

The learned gentleman, it was true, had not been called to order for such disrespectful and unparliamentary language, and he was glad of it; because he perceived, that he did not seem to bear the trifling contradiction given to his opinions with that degree of gravity, respect, and deference, which might be looked for, from a person of his known abilities, and long parliamentary experience; but in his cooler moments, he presumed, he would reflect, that it was not quite

so decent to condemn the proceedings of the House and Committee, and by that means endeavour to turn aside the current of justice, by impeaching the wisdom and competency of the tribunal.

As to the dictatorship, so warmly recommended by the honourable gentleman, though he had an high opinion of his abilities as a politician, he had never contemplated him in his new character of historian. He had no doubt of his being equally great in both. One word, however, should suffice on that head: he had heard the learned gentleman often charge his friends with dormancy; it was a new word, lately coined by a member of Congress; but if it was not a proper one he would say somnolency. He desired to know, therefore, if, in his opinion, the dormancy or somnolency of either of the noble Lords near him [North and Germaine] fitted them for the post of dictator, generalissimo, or captain-general?

He then begged to appeal to the feelings of the learned gentleman, to describe what kind of mind that man must possess, who beginning his race of politics with starvation, would wish to conclude it with the destruction of those who had escaped famine, by the means of the tender mercies of an Indian war, and the indiscriminate slaughter of all ages and sexes, who, from their infancy, sex, or age, were protected by the most rigid rules of civilized war, from those mischiefs they were unable and disqualified to inflict.

Mr. *Fox* next rose. His personal allusions, as connected with the debate, were mostly directed to the general conduct of his honourable friend, Governor Johnstone.

My honourable friend has said, that he never left opposition till they shewed an intention of declaring America independent. So far as the rights of America were concerned; so far as the claim of taxation was insisted upon; so far as an unconditional submission on the part of freemen was expected; so far was his honourable friend a zealous opposer of government; but the very moment those unjust and unconstitutional claims were given up, that very instant marked, said he, my line of departure. This is the language of my honourable friend; he affects to speak boldly out, he affects to condemn ministers, but upon what ground? An evidence, who has been four days at your bar, goes to support my honourable friend's opinions to his point of departure; but what else has he said? That two-thirds, if not a greater proportion of the people of America, are ready to come in under the offers held out by the commission. Where is the commission? Where are the powers derived under it? They are no more. Administration

tion has actually refused to re-produce them into being. The noble Lord over-against me has more than thrice affirmed, that we are not bound by the offers held out by the commissioners, because those offers were rejected. To what then does General Robertson's evidence tend, and what is become of my honourable friend's line or land-mark of departure? Just where the dispute commenced. Provinces, districts, and individuals, may offer to submit; if their submissions are accepted of they will be declared at the King's peace! Georgia already stands in that predicament: that province is declared at the King's peace. I would therefore wish to know on what ground my honourable friend votes and speaks in favour of the present system of American measures? for they are precisely what they were before he took his departure. Taxation, it may be said, is excepted, because an act still continues on your statute-books, which relinquishes that claim. But will my honourable friend contend, according to times and circumstances, that the same power which enacted that law, is not competent to repeal it, or that there is one solid or substantial security that ministers and this House will not relapse into the same spirit of injustice that this country testified "in her hour of insolence?"

I know my honourable friend's disposition and temper too well, not to be convinced that it is a mere want of attention or misunderstanding, that has induced him to support administration in their present system of measures respecting America; and I trust he will be persuaded that I had no other motives for alluding so particularly to him, but to remind him that ministers at this very day hold the same language as they did before he took his line of departure.

He observed, it was rather a little ominous, that it was the same noble Lord that moved the question of adjournment that day, who moved the other fatal previous question early in December, 1777, soon after an account of the capture of his honourable friend at Saratoga reached England.

The same arguments were used that day as on the present. The minister made the same apology as that made now; that there was a law in being which empowered his Majesty's commissioners to act; that the season was critical and alarming; that it was time to act, and not to speak; and that ministers would, in the course of the ensuing recess, adopt measures for an amicable termination of our differences with America.

What was the consequence? The noble Lord's negative to a vote of adjournment succeeded then as it would probably now.

Parliament was prorogued for six weeks, from December the 10th to January the 22d; and before it met again the treaty between France and America was in such a state of forwardness, that before any proposition was made in Parliament to concede to the wishes of America, the French treaty was signed; whereas, if instead of adjourning December the 10th the Parliament had continued to sit, the cession of claim on our part, introduced by the noble Lord in the blue ribbon on February the 16th, might have been made on December the 16th, and an immediate account been transmitted to America, when, if upon no other account, we should have prevailed on, led Congress to agree to the proposed cession, by out-bidding France.

His honourable friend [Mr. Burke] had assured the House that Spain was hostile. For his part, whatever reasons he might have to be of the same opinion, he could not pronounce that the fact was exactly as it had been stated; but taking it for granted that it was so, what would be the situation of this country? Spain, France, and America leagued against us, our old measures respecting the latter taken up *de novo*, and the very existence of this country committed to the unequal contest.

He confessed he felt most sincerely for the disagreeable lot which had fallen to his noble friend over the way [Beauchamp] who had been so unluckily selected upon both occasions, to stand forth as the proposer of two measures, one of which had led the way to, as the other would, he feared, finally compleat, the destruction of this country.

Mr. Fox went into the state of Ireland, and after mentioning that the principles of government, as applied to Ireland, were now much the subject of discussion in that kingdom, recommended to the notice of that House a pamphlet he had lately read, and which had been recently published under the title of Observations respecting the extent of the Power of the British Parliament, principally with relation to Ireland, in a letter to Sir William Blackstone: this pamphlet, he declared, was a most weighty and able production, the author of which, in a very masterly manner, had considered the principles of this government as applied to Ireland, and reasoned upon them with a power of argument, well worth the consideration of every man, who had the true interest of the two countries at heart, and upon such grounds as ought to call forth the most serious attention of the minister.

At length, at Mr. Townshend's desire, Lord Beauchamp withdrew his motion, and the House divided on the original motion. The numbers were, ayes 70—noes 143.

June

June 16.

Lord *North* said, that Count d'Almodovar, the Spanish ambassador, had just delivered to Lord Weymouth, one of his Majesty's principal secretaries of state, a Manifesto from the court of Spain, which, with a message from his Majesty, he should lay before the House to-morrow. The ambassador, he said, was recalled.

Mr. *Burke* reminded the noble Lord in particular, and the ministerial side in general, how light they had made of the probability of such an event. Whenever we have talked of a Spanish war, in addition to that of France and America, with what contempt have the ministry heard it! With what scorn have they scouted the very idea! Good God! with what joy have they triumphed as it were in our ignorance and folly! Spain, we were told, time after time, could have no interest in joining our enemies. Spain had colonies of her own, and would not set so bad an example, as to succour or aid those rebellious ones of America: besides, that Spain was naturally inclined to be at peace with Great Britain. In fine, the sincerity of that power was deemed of a fixed and lasting nature, and all suspicions to the contrary were treated as absurd and ridiculous. Such has been the constant and invariable language on the part of government. Oh, Sir, how have we been deceived! How have we slept night after night, and dreamt of the faith of Spain! How long have ministry retired to their beds, full of wholsome advice and admonition on that precarious point, and waked morning after morning trumpeting out their assurances of the pacific disposition of Spain! the court of Spain, they have had the effrontery to repeat again and again, would be ruined by a war. We knew the interest of Spain better than it did herself; and ministers must turn politicians for the House of Bourbon, and presume to point out, while they could not manage their own affairs, what would be to her advantage, and what would not. But now the unhappy, the dangerous crisis is arrived they were cautioned against. Oh, Sir, what a long and dismal, what a dark and sad night has this session been, to leave us at the end of it engaged in war with the House of Bourbon, and America joined to her against us! And how shall ministry presume to exculpate themselves? Was there nothing to incline them to expect this manifesto? Had they no opportunity of knowing the aid Spain has been giving to France, and the encouragement shewn to the ships and trade of America? Which ever way we consider this, they are

equally culpable. If they really knew that we were exposed to the necessity of a Spanish war, they are not to be excused for their silence; and if they did not, they equally deserve punishment for their monstrous ignorance and want of information.

He was here called to order by the *Speaker*, who asked if he had any motion to make; if not, he could not suffer him to proceed.

Mr. *Burke* said, Sir, I could make a motion—the impeachment of the minister [pointing to Lord North] would be a very proper one.

Many members cried out *move! move!* which was continued for a considerable time. Mr. Burke attempted to proceed, the Speaker called to order, and the whole House was in confusion.

When the tumult subsided, Lord *George Cavendish* told the Speaker, that he did wrong in calling the honourable gentleman to order, as he could not, before he had done speaking, tell whether he had a motion to make or not.

Mr. *Baker* said the same, and added, that if any gentleman sat down, after speaking, without a motion, he was not to hear any member follow him; but he was obliged to hear a person of that House entirely out, before he asked him whether he had any question.

Mr. *Charles Turner* said, he was for impeaching the minister.

Sir *Fletcher Norton* here again applied himself to Mr. Burke, and said, all he wanted to know was, whether he had a question to put or not?

Lord *North* now rose again, to give it as his opinion, that any motion from the honourable gentleman would come before the House more properly to-morrow after the King's message.

Mr. *Burke* now informed the chair that he had a motion to make. It was "That the House should immediately form itself into a committee to take into consideration the state of the nation." Before we talked of making war against the House of Bourbon, it was necessary for us to see what means we had left for that purpose, and a still more important thing to be thought of was, whether the present ministers were persons fit to be entrusted with the conduct of this additional war. He reminded the House what a shout of applause had taken place, when the noble Lord, some little time ago, told the House of the coolness that subsisted between

tween France and America, whereas the latter power was now joined by the other branch of the House of Bourbon.

Mr. *Hartley* seconded the motion.

Colonel *Barré* began by remarking to the chair, that he had done wrong, though not intentionally he was sure, in calling the honourable member to order. The ancient usage of Parliament, he said, was to suffer the members to speak at large without any motion before them, and that the Speaker would frame a question from what had been said. But if the honourable member had broke through the order of the House, the Colonel contended, with great warmth, that it had been in a case the most meritorious that could be imagined.

The Colonel then remarked on the appearance of the minister. I saw the noble Lord come into the House: he passed me, and I declare from my soul, that I could not believe a tittle of the Spanish manifesto, for the noble Lord had a broad smile on his countenance. I think I never saw him look more chearful. There was not a feature about him that was not brightened up. I declare to God I thought he had come down to communicate some joyful news, some glad tidings, some new victory to grace the annals of ministry, for I did not think that it was in human nature to wear such a face in such a time of public calamity, and especially when the noble Lord himself has brought us into it.

The Colonel observed, that wit and humour had often served the noble Lord, but advised him not to have recourse to either in the present instance, and concluded by declaring it as his firm belief, that there was a strange, unnatural kind of influence lurking somewhere, that would bring the Sovereign to disgrace and ruin.

Lord *North* rose again. He did not know that he had wore any particular smile at his entering the House, and if he did, a grave, a sad, or melancholy brow was not, he thought, a look best suited to times of danger. Englishmen were to feel like Englishmen, and not to be easily sunk down. The Spanish Ambassador had indeed delivered a manifesto of a very hostile nature. It would be translated this day, and presented to the House, but gentlemen were not to be sunk down, for the event had been long looked for.

Sir *George Saville* said, he should not take upon him to tell the noble Lord what countenance he ought to wear at proper times, but he really thought with his worthy friend, the Colonel, that he had some good news to impart, he looked so

chearful and pleasant. He did not mean, he said, to go into an inquiry, how far the minister was culpable or not; but he must tell him, that we had all our misfortunes brought upon us during his administration; and with respect to his saying that the war we are upon the eve of with Spain, was an event long looked for, he was surprized indeed to hear it from the noble Lord, who, not four and twenty hours ago, had heard it asserted without giving the least information whether it was true or not; nay, he had in a manner denied it, by a shake of the head.

Lord *John Cavendish* earnestly solicited Mr. Burke to withdraw his motion; for he was against having any motion before the House till the present ministers were brought to punishment. By punishment, he did not mean a partial one, he meant such a one as should go as far as it ought. As to himself, he hoped he was to be thought a moderate man. He would expend his fortune, and hazard his life against the natural enemies of his country, and he would do as much to bring ministry to their deserts. The noble Lord again entreated Mr. Burke to withdraw his motion; most passionately pointed out the minister as the author of our calamities; and finally declared, that his resentment should be found firm and lasting. The noble Lord further observed, that the ministry had so wilfully, and so obstinately brought us under our present great and manifold distresses, that nothing less than the most exemplary punishment ought to be inflicted upon them, and their respective estates confiscated and applied towards the expences of the war.

Mr. *Turner* declared that he would oppose the granting any money, or going into any measures, till the present administration were first dealt with as they ought to be.

Mr. *Baker* said the same.

Mr. *Burke* withdrew his motion.

The House went into a committee on the American correspondence, F. Montagu, Esq. in the chair.

Joseph Galloway, Esq. called in and examined by Lord George Germaine.

Q. How long have you lived in America?

A. I have lived in America from my nativity to the month of October last; about forty-eight years.

Q. In what part, and what public office have you held?

A. I have lived in the province of Maryland, in the Delaware counties, and in the province of Pennsylvania, chiefly in

in Philadelphia. My public profession was that of the law: I practised in all the courts of Pennsylvania, in those of the Delaware counties, and in the supreme court of New Jersey. I was a member of the assembly of Pennsylvania eighteen years; speaker of the house twelve. I was appointed by the assembly of Pennsylvania to attend the American Congress which met the 5th of September, 1774. During the last war, under an appointment, I was one of the commissioners for disposing of the money granted to the Crown, and have been several times a commissioner to treat with the Indians by the assembly of Pennsylvania; and when Sir William Howe took possession of the city of Philadelphia, at his request, I undertook the office of superintendant of the police of the city of Philadelphia and its suburbs, of the ports, and of the prohibited articles.

Q. When did you come over to the British army, and how long did you continue with it?

A. I came over to the royal army the beginning of December, 1776, and continued with it until the evacuation of Philadelphia, the 18th of June last.

Q. At the beginning of the present rebellion, when the inhabitants first took up arms, had the people in general independence in view?

A. I do not believe, from the best knowledge I have of the state of the people at that time, that one-fifth of the people in America had independence in view. I would wish, when I give an opinion, always to give my reasons for it. The progress of the spirit of independence was very gradual: so early as the year 1754, there were men in America, I may say in the towns of Boston, New-York, Philadelphia, and Williamsburgh, who held independence in prospect, and who were determined to seize any opportunity that offered to promote it, by procuring additional persons to their number. These men, when the stamp act was passed, made a stalking horse, or skreen, of the gentlemen of the law in every part of America, to cover their designs, and to sound the trumpet of opposition against government, but still avowed that their conduct was on the ground of obtaining a redress of American grievances, and not with a design to separate the two countries. Upon this ground, I am confident, the gentlemen of the law acted. When the tea act was passed, they made the same use of the merchants who were smugglers in America, as they had done of the lawyers before, still declaring that they meant not independence. So late as the sitting

sitting of the Congress in 1774, the same men, when charged with it in Congress, and whilst they held it tenaciously and religiously in their hearts, they almost to a degree of profanity denied it with their tongues; and all this was done on their knowledge that the great bulk of the people of North America was averse to independence. If we look at the resolves of Congress, down almost to the very period of their declaration of independence, we shall find the same language a pretence of obtaining a redress of grievances held out to the people; and for the same reason, at the very time they declared independence, they gave out that it was not with a view to separate the two countries, but from necessity; unless they declared independence, the powers of Europe would not trade with them; and they were in great distress, I mean the people, by the want of a great many necessaries. So that, from all these circumstances, I am convinced that not one-fifth part of the people had independence in view.

Q. If so large a proportion of the people of America were so averse to independence, why have they suffered their present rulers to obtain such power over them, as to prevent any effectual exertion in support of their principles?

A. The Congress having prevailed upon a part of the people, a very small part of the people, to take up arms, under the pretence of obtaining a redress of grievances, and having an army composed of those people under their command, and subject to military discipline, they disarmed, or caused to be disarmed, all persons whom they thought disaffected to their measures, or wished to be united to this country, contrary to their scheme of independence. I have the resolves of Congress, dated 2d of September, 1776, at my house, to that purpose. They went so far as to disarm (by sending two battalions into Queen's county, in the province of New-York, for that purpose) a large number of the people of that district, for no other reason, but because they voted against sending a member to the continental Congress. They totally, as I may say, disfranchised them; they would not suffer them to trade, or be traded with; they suffered them to be sued, but would not let them sue in their courts of justice; they would not suffer them to pass out of their district, on any account. By these means, the well-affected part of America to this government, became disarmed; and the arms were put into the hands of those on whom the Congress could rely; a small part of the people. If we look into the history of this kingdom, so early as the great rebellion in

in 1640, we shall find the very fact alluded to in the question, actually existing in the state of this kingdom; we shall find the people taking up arms, in order, as it is said, to obtain a redress of grievances; we shall find that a few people at that time, who had arms in their hands, preventing the rest, numerous as they were, from taking measures for their relief.

Q. After the declaration of independence, when Lord Howe and the General arrived at Staten-Island, did the people at large in the country, express a desire to treat with the commissioners?

A. I believe, in the middle colonies where I resided, it was very generally the wish of the people to treat with the King's commissioners; and I have the best reason to believe, that it was in pursuance of the clamour of the people about the Congress in Philadelphia, that they sent their three commissioners to meet Lord Howe and Sir William Howe.

Q. What proportion of the inhabitants of the revolted colonies do you think, from principle and choice, supported the present rebellion at any period?

A. I don't think that one-fifth part have from principle and choice supported the present rebellion. Many of those who have appeared in support of it, have, by a variety of means, been compelled. I would wish to give reasons, and not fatigue the committee. The last delegation to Congress made by the province of Pennsylvania, and the appointment of all the officers of that state, was made by less than 200 voters, although they have at least 30,000 men entitled to vote, by the laws of that province. One instance more I beg leave to give:—one of the delegates from the province of New-York (with whom I sat in Congress in 1774), representing a considerable district in that province, was chosen by himself and his clerk; and that clerk certified to the Congress that he was unanimously appointed.

Q. Was the person so chosen received by Congress?

A. Yes, he was received by Congress on that return; I mean the continental Congress, in 1774.

Q. From your knowledge of the people of America, what proportion of the inhabitants do you think, at this time, would prefer a reconciliation with Great Britain, rather than assist in supporting American independence?

A. From the experience which the people have had of the superlative and excessive tyranny of their new rulers, from the

the distresses they have felt from the ravages of war, the loss of their trade, and from an aversion which they have to an attachment and connection with France, which they are fearful will terminate in the loss of their liberties, civil as well as religious, and from the old attachment, and I believe an earnest desire to be united with this country, I think I may venture to say, that many more than four-fifths of the people would prefer a union with Great-Britain, upon constitutional principles, to that of independence. Many of the people, who at first took part in the opposition to government, and were deluded by the Congress and its adherents, have severely felt every degree of distress. From those feelings they now reason, and that reason has prevailed on them to compare their old happy situation with their present misery, and to prefer the former.

Q. What effect do you think it would have in America, if the people of that country thought an opinion prevailed here that they were generally hostile to Great-Britain?

A. It would strike the friends of this country with distress and resentment: with distress at the thought that you should conceive an idea so injurious to their principles, and with resentment at the injustice of the idea.

Q. Have the inhabitants of America shewn a willingness to take up arms in the present contest, and have the Congress found it easy to recruit their armies?

A. A very small part of the inhabitants of North-America (I would rather confine myself to the middle and southern colonies) have shewn a willingness to take up arms, more especially since the declaration of independence. The Congress have not found it easy to recruit their armies; they have made use of every means that art and force could suggest for that purpose.

Q. What were the methods made use of by the Congress to compel the inhabitants to take up arms?

A. When they found they could not recruit their army in the ordinary way of recruiting, the rebel states passed laws for drafting their militia, compelling every person drafted to enter into the military service, or to find a substitute, or to be imprisoned, or to be pushed into the field by the bayonet (that was not part of the law). In Virginia they passed a law for exempting every two persons who should find a recruit from all military service. For these substitutes, and for the recruits, there has been from 40l. to 100l. given. In Virginia they passed a law for manumitting every servant who

who would enter into the service. By these means, and their ordinary mode of recruiting, the Congress raised their armies, and not from the voluntary enlistment of the people.

Q. Were great exertions made by the Congress and their adherents to bring a numerous army into the field for the campaign 1776?

A. There certainly was very great; but at that time they did not make use of the compulsory measures which they were obliged to do afterwards, when the people were satisfied that they meant independence.

Q. What was the force under Washington when Sir William Howe landed on Long-Island?

A. From the best information I could get, I believe it was about 20,000 men; some said more, others said less.

Q. Was this force composed chiefly of militia or continental troops?

A. More of militia than of continental troops: they had not then had time to raise by recruiting any great number of men, nor were their states at that time perfectly formed, and therefore could not make the exertion for raising the regular troops which they did afterwards.

Q. Did Washington's army diminish after the battle at Long-Island, and what was his force at the end of the campaign when General Howe was at Trenton?

A. In consequence of the success on Long-Island, New-York, the White Plains, and Fort Independence, Washington's army did diminish very rapidly; insomuch, that when Washington crossed the Delaware, and Sir William Howe marched to Trenton, his army did not consist of more than 3300 men.

Q. What do you take to have been the cause of so great a diminution of the rebel force?

A. They were panic struck by the successes I have mentioned. I was at that time in Pennsylvania: many of them who fled from the army passed by my house, and I conversed with them; they all appeared to me to be in the extremest panic.

Q. What was the disposition of the people in Pennsylvania when General Howe arrived at Trenton?

A. I had, though with the army at that time, constant communication with my friends in Pennsylvania; from them, while on the Delaware, I learnt the disposition of the people; and when last in Philadelphia with the British army, I made it my particular business to inquire into the state of the province

province at the time Sir William Howe was at Trenton; and I conversed with no man that did not inform me the people of that province were disposed to submit to government, a few of the most violent, and very few excepted, and they were those who had acted the most violent part: great pains were taken to get the militia out, but in vain, and very few were prevailed on to turn out.

Q. Did they expect the British army in Philadelphia at that time?

A. They certainly did.

Q. Did the members of the Congress, and others who had taken an active part in the rebellion, take any steps in consequence of their expecting the British troops in Philadelphia?

A. I was informed by every one I conversed with on the subject, that the Congress and the rebel states, in which I include all their officers, fled in a panic from Philadelphia, many of them leaving a part of their property behind them, and when I was last at Philadelphia, I was informed by two or three gentlemen, that they were appointed by a number of respectable inhabitants of the city of Philadelphia to wait on Congress, and to inform them, that they would go up and certainly meet Sir William Howe, in case he should cross the Delaware, and implore his protection on behalf of the inhabitants. That they did wait on Congress accordingly, and delivered their message. That they received for answer from the Congress, "That they could not blame them, for they could no longer protect them."

Q. Do you know any thing of the disposition of the other revolted colonies? Were they, from the successes of the British army, disposed to peace, or did they still remain sanguine in their hopes of maintaining their independence; I mean those who had been the supporters of the Congress and their measures?

A. I had very good opportunities of knowing the state of the middle colonies, in which I include New-York, New-Jersey, Pennsylvania, Maryland, the Delaware counties, and Virginia. Gentlemen of fortune and integrity, on whom I should rely, came in to me at Philadelphia from Norfolk in Virginia, Williamsburgh, Fredericksburgh Bay, the distant county of Botetourt, Fort Pitt, and from the intermediate parts of New-York, New-Jersey, Maryland and the Delaware counties, from whom I made it my particular business to learn the state of the disposition of the people of those colonies,

nies, as well at that time as in the year 1776, when Sir William Howe was at Trenton; and I was informed by them all, that the panic extended to all those parts, and at that time very few indeed entertained hopes of supporting the independence.

Q. Do you think, if Sir William Howe had pursued Washington across the Delaware, scattered the remains of his army, and taken up his quarters at Philadelphia, that the Congress would have been able to raise another army?

A. I verily believe they would not have been able to raise an army of any consequence, not of 5000 men, so as to take the field at the usual time of opening the campaign: it was not only my opinion, but of every gentleman I conversed with in Pennsylvania.

Q. What effect had the success of the rebels in defeating and making prisoners the Hessians at Trenton, on the minds of the people?

A. It had a very mischievous effect to the British service: it removed that panic with which the new states of the middle colonies were struck: it enabled the Congress and the members of the new States to return to Philadelphia, the most advantageous post for their residence in all America: it revived their spirits and the spirits of the disaffected; it induced a number of the militia to turn out who otherwise would not have done it, and contributed in a great measure to the raising of the army which Washington commanded the next campaign.

Q. After the affair at Trenton, did the Congress find it easy to recruit their army? and what number of troops had Washington with him in the Jerseys during the winter?

A. Notwithstanding that success, the Congress did not find it easy to recruit their army: they were obliged to make use of the compulsory methods I have mentioned, and yet, during the winter, Washington, at Morris-Town, from the best information I could get, had not 6000 men.

Q. Did Washington take any measures to prevent the British army from procuring provisions in their march through the Jerseys, and what measures?

A. In Washington's retreat through the Jerseys he issued a proclamation, commanding the inhabitants near that route which he suspected the British army would follow, to remove all their provisions, under pain of having it destroyed; but this proclamation was not obeyed, nor did he dare to put it into execution; he did not put it into execution lest he should render the people averse to his measures.

Q. Did

Q. Did the British army find any difficulty in procuring provisions whilst on the banks of the Delaware?

A. They did not. I was both at Trenton and Burdenton, the two posts left by Sir William Howe, on the Delaware: the people brought in their cattle and other provisions to both those posts. Captain Gamble, with whom I lodged, acted as deputy-quarter-master: I drew, at his request, invitations to the people of the country to bring in their provisions, towards forming a magazine at Burdenton; and, although he was there but a little while, a very considerable magazine was formed, and great quantity of provisions brought in, before he was obliged to leave it by the taking of Trenton.

Q. Had General Howe taken up his winter-quarters at Philadelphia, would he have run any risk of not being supplied with provisions from the country?

A. I think it impossible: the country was full of provisions: General Howe's army was the superior army, and certainly might have foraged, had the inhabitants not brought in their provisions, of which, I think, there could be no doubt; because when Sir William Howe was at Philadelphia, in 1777, the people at that time, when Washington had four times the number of troops that he had at Trenton, and when his party was continually patroling round the lines, the inhabitants of Philadelphia, the army and navy, such as chose to eat fresh provisions, were supplied by the country without the lines.

Q. What number of men did the Congress vote for the campaign 1777?

A. Congress voted for that year eighty-eight battalions, each consisting of 740 men, officers included, making in the whole about 66,000 men.

Q. What number did they actually raise for that year?

A. At the outside they did not bring into the field 16,000 men; I think I am beyond the mark in that number.

Q. What was the reason that so small a number of the troops voted were raised? Was it that the Congress had altered their resolution as to the numbers to be employed, or was it because the men were not to be had?

A. It was not because the Congress had altered their resolution, but because the men were not to be had. They made every exertion as usual, but they had lost in the Canada expedition, at Boston, where they were extremely sickly, killed in battle in the several engagements with the British troops, taken prisoners, and by deaths in the military hospitals

tals southward of New-York, I think I may safely say, upon good inquiry, nearly 40,000 men; the people also at that time were more averse to the measures of Congress than the year before.

Q. What were the exertions made use of to bring a numerous army into the field?

A. They were, as I mentioned before, partly recruiting, drafting their militia, and enlisting of servants.

Q. What proportion of the troops that composed Washington's army, enlisted voluntarily?

A. I can't answer that question with precision; I believe not a moiety of them.

Q. Were desertions from the rebel army frequent while Sir William Howe was in Philadelphia?

A. They were very frequent; almost daily: I have known forty-nine come in in a day; many days from ten to fifteen.

Q. What number do you suppose came in to the army at Philadelphia?

A. The deserters were generally sent from head-quarters down to me for examination: from me they went to Mr. Story, the officer appointed to administer the oath of allegiance: he kept a regular account of their numbers, their names and the places of their nativity; and I think there were upwards of 2300 qualified at his office; and I believe on good reason there might have been upwards of seven or eight hundred more not qualified; for I often found, on seeing him in the evening, that the number I had sent down to him had not gone, so that I suppose 3000 at least came in.

Q. Do you suppose the number you have mentioned to be the whole of the desertion from the rebel army?

A. By no means, I don't suppose it. Many might have deserted into the city to their friends, perhaps half as many more.

Q. What was the encouragement held out to induce deserters to come over to us?

A. A proclamation was issued by Sir William Howe, offering them a passage home to England or Ireland, their native country, and they were generally paid for their arms and accoutrements.

Q. That part of the rebel army that enlisted in the service of the Congress, were they chiefly composed of natives of America, or were the greater part of them English, Scotch and Irish?

A. The names and places of their nativity being taken down, I can answer the question with precision. There were scarcely one fourth natives of America; about one half Irish, the other fourth were English and Scotch.

Q. What is the character that the provincials serving in the British army bear? Are they good troops, and have they behaved well when employed?

A. I have understood, as soon as they are disciplined, they are very good troops, and have always behaved well; I know of no instance to the contrary. That I know to be the opinion of many of the military gentlemen.

Q. Do you know any thing of the army of the rebels in general, how that is composed, of what country people?

A. I judge of that by the deserters that came over.

Q. What was the sum given as bounty-money to a recruit enlisting in our provincial corps?

A. I have understood five hard dollars.

Q. At that time what was the sum given by the rebels for a recruit to serve in the army of the Congress?

A. The Congress gave twenty paper dollars a man, besides eight paper dollars to the person who should procure a recruit. It was recommended by the Congress, in order to facilitate the recruiting for the rebel states, to divide the states into districts, and to appoint two or more persons to recruit in each district: these persons had the eight dollars, continental dollars.

Q. What was the proportion between the hard and the paper dollars?

A. It is impossible to say; they are now from fifteen to twenty to one.

Q. At the time the army was at Philadelphia?

A. I can't say, they might be three, or four, or five, or eight to one.

Q. What have you known to be given for substitutes?

A. I have known from 40l. to 100l. continental money.

Q. What number of men do you suppose are now serving in our army in America as provincials?

A. I have been informed from six to seven thousand, but I don't know of my own knowledge.

Q. Were there any number of them embodied as militia in any part of the country where the King's troops have been in possession?

A. I understand when I was at New-York, that there was a body

a body of militia formed at Long Island: there was none in the Jerseys nor at Philadelphia.

Q. Were there ever any attempts made to induce the inhabitants to take up arms and defend the country against the incursions of the rebels either in Pennsylvania or the Jerseys?

A. Not as militia; there were corps enlisted in Philadelphia.

Q. What number of men were there in Philadelphia capable of bearing arms?

A. At the desire of Sir William Howe I numbered the inhabitants of the city of Philadelphia and the suburbs, distinguishing the males from the females, and taking the number of those between eighteen and sixty years of age, there were in Philadelphia and suburbs within the limits, 4481 males under that description.

Q. Might not those men have been embodied as a militia for the defence of the city?

A. A part of them were Quakers, about one fourth; these would not take up arms on any account; I know of no reason why the others might not have been induced to take up arms.

Q. Were those who were found in actual rebellion, or known to be disaffected, disarmed?

A. In the city of Philadelphia the inhabitants that were disaffected were disarmed by me, by a direction from Sir William Howe.

Q. Were arms put into the hands of the well-affected inhabitants who had before been disarmed by the rebels?

A. Not generally. A number of men, to the amount of eighty or ninety, came in from the country, where I generally resided in the summer, and offered to serve without cloathing or pay with an allowance of provisions: for these I procured from Sir William Howe arms; and another body of men that came from Jersey, the numbers I don't know, had also arms put into their hands.

Q. Do you know of any instances of the inhabitants taking up arms of their own accord in support of the King's authority?

A. There was a considerable body of the people of the back parts of North Carolina (the rebels in their account called them 1600) who took up arms in support of the King's authority, but they were attacked and defeated by the rebels. Another body in the peninsula, between the Chesapeak and

the Delaware (as I was well informed consisting of 2000) likewise took up arms in support of the King's authority; another party in the same peninsula at another time (consisting of several hundreds) and another in the county of Monmouth in the Jerseys, consisting of about 100, and I was well informed that some of the districts above Albany at the time that General Burgoyne was advancing towards that place, took up arms and prevented the disaffected part of the district from joining General Gates; declaring that if they went out to join General Gates, they would join General Burgoyne.

Q. Did you find many houses deserted, as the army marched through Jersey, or in the way from the head of Elk to Philadelphia?

A. General Howe happened to land his troops in a part of the country more disaffected than any other part I know; I mean Cecil county in Maryland; at and about the head of Elk, a number of inhabitants did desert their houses and carry off their effects, but not all: after Sir William Howe had advanced into the country from thence, about eight or ten miles, as near as I can guess, I don't believe that I saw in the whole route of the army from thence to Philadelphia, consisting of at least seventy miles, above ten, or at most fifteen, houses deserted; I think not so many, but I chuse to be under the mark; the inhabitants were found quietly at home, and to me there appeared every mark of pleasure at the troops arriving in the colony.

Q. What quantity of provisions did the army carry with it from the head of Elk, or from Pencadder, where General Grant joined them?

A. I cannot speak to that question from my own knowledge, but I was informed by the officers of the army, that there was about fourteen days provisions.

Q. How long was it from the time you left Pencadder to the time the General received provisions from the fleet in the Delaware?

A. I think the army marched from Pencadder the 8th of September; and to my best recollection the Welch fusileers went down for the first time to the ships below Philadelphia, to escort up the first provisions, on the 3d of October.

Q. How did the army subsist during that time?

A. The army in their march got large quantities of provisions supplied by the inhabitants; they drove a large quantity of live stock with them to German Town, and some to Philadelphia: they got other provisions in the country, they took

took a magazine of flour at Valley Forge, which I understood was destroyed.

Q. While the British army lay at Philadelphia, did the inhabitants from the neighbouring counties without the lines, bring in provisions, and were the markets plentifully supplied?

A. The army lay at Philadelphia nine or ten months; there was in that country near 25,000 inhabitants; I include in these the number of people that came in, besides the real inhabitants there; the army and navy did not want fresh provisions of all kinds, whilst they remained at Philadelphia.

Q. In what state was Washington's army, in respect to provisions, while the British army were thus supplied?

A. Part of that time Washington's main army lay at Valley Forge; it was then in extreme distress for want of provisions; the deserters who came in, informed me that they were several days at half allowance; and some that I examined, told me that they had had furloughs to go out in the neighbourhood to get provisions; at that time Washington received a considerable part of his supplies from the distant parts of Virginia and North Carolina, brought up the Chesapeak, landed at Elk, and from thence conveyed to his camp at Valley Forge in waggons; the inhabitants were so averse to the measures of Congress, that they did not supply him with provisions.

Q. Had not you correspondence through many different parts of America, in order to furnish General Howe with intelligence?

A. The General, in some measure, relied on me for intelligence; he had other means of getting intelligence besides; I sent out to my friends on the Susquehannah, and to the Delaware; it was an easy thing so to do: the inhabitants were continually going in and coming out, and I desired that they would inform me of every thing material that happened in those parts, respecting the number of troops that should be coming to join Washington. I sent out many spies for the General: the General had the best intelligence from other circumstances, which it would be improper for me to mention; the intelligence, I think, must have been good, whilst Washington, in possession of that country, complained of the want of intelligence, and said he was in an enemy's country. I had this from an officer under Washington. I would add, with respect to the disposition of the people, that persons came in to me from all quarters of the middle colonies, and from them I answered the former question.

Q. To what cause was it owing, that Washington's army was so badly supplied, when he had the command of the country?

A. Washington wanted flour and bread for his army, and grain and forage for his horses. He issued a proclamation, commanding all inhabitants within seventy miles of his camp, northward, southward, and westward, to thresh out their grain; one half by the 1st of February, and the other half by the 1st of March, under pain of having it taken from them, and only paid for as straw; but this proclamation was not obeyed; Washington then was obliged to send some of the men of his army to the neighbouring farmers, to thresh out their grain, which he took and made use of, without paying for it.

Q. Did Washington find the people ready to supply him with carriages?

A. He did not: he got few carriages, but what he took by force; the people hid their waggon-wheels; he compelled them to produce them; they then broke their wheels, and disabled their waggons, which rendered it very difficult for him to be supplied with waggons.

Q. In what state was Washington's army, in respect to cloathing, in the campaign of 1777?

A. From the deserters that came in to us, all but the Virginians, and some few from the northward (they were very few), were in a manner naked; they were not cloathed fit for the inclemency of the season; some of them had linen garments on, and those very ragged and torn; some without shoes; very few with whole stockings; in short, they were objects of distress, when they came down to me to be examined. The Virginians had passed a law, under which they authorized commissioners to search the house of every inhabitant for spare cloaths of every kind, that might be suitable for the army, and to seize it for that purpose, which was executed; the Virginians, therefore, were better cloathed. Washington sent into the county of Bucks, where there was a considerable quantity of cloth manufactured, lying in their fulling-mills, and seized it for the use of his army; but before it was conveyed to him, it was taken by an American troop of light horse and some refugees, and conducted to Philadelphia.

Q. What state was the rebel army in, with respect to health?

A. From the time the rebel army was at Boston, to the time alluded to in the question, Washington's army was always very sickly; occasioned, as the principal physician of his hospital informed me, by the want of salt, and the eating of fresh provisions constantly without salt; together with their often wanting

wanting cloaths, and want of good appointments; at the time alluded to in the question, Washington had not less than ten hospitals; I examined one of the physicians of those hospitals, who gave me this information when he came to Philadelphia.

Q. What was the number of Washington's army at this time at Valley Forge?

A. In the latter end of February, or beginning of March, Washington had not 4000 effective men; from a great variety of accounts from a number of people who lived by his camp, and from officers of his own army.

Q. By what means were the numbers there diminished after the battle of German Town?

A. By the means I have described, sickness and desertion.

Q. Could an army of 15,000 men subsist upon the country in a march through the middle colonies?

A. Unless it is very much altered, and that very lately, they certainly could, and a much greater army; the middle colonies are colonies of provisions; they have a plenty of cattle and hogs, and they abound with grain, Indian corn, wheat, rye, oats, and barley.

Q. What number of people do you suppose the British army and its followers consisted of, that were fed by the country in the march from the Elk Head to Philadelphia, and until it opened communication with the ships?

A. The army and its followers, or appendages, I imagine, consisted of about 20,000 men; I understood so from officers of rank in the army; I never saw the returns, but I understood them to be so.

Q. What was the disposition of the middle colonies in the spring of 1778, before you left Philadelphia?

A. I had a great deal of reason to believe from the inquiries I made respecting the disposition of the people, that they were very generally desirous of giving up their new rulers, and of being united with this country.

Q. Had you reason to believe that any gentlemen of weight and influence in Pennsylvania were ready to exert themselves in disarming the disaffected in the several counties, and restoring the counties to the peace of the King?

A. Almost from the time that I went to Philadelphia with the army to that of the evacuating of the place, gentlemen from many of the counties in the peninsula below, and indeed almost all and several counties in Pennsylvania, Philadelphia county, Bucks, Lancaster, Chester, Cumberland, and some of the counties in Jersey, sent me assurances, that as

soon as the British army should operate against General Washington, and drive him over the Susquehannah, or the Delaware, they would (could they be supplied with the arms that they wanted) exert themselves in restoring the several districts to the peace of the crown; and that they had no doubt of accomplishing it. I believed this information; I will not say whether I gave it to Sir William Howe, because I don't recollect whether I made out a state of the facts before the intended evacuation of Philadelphia, but I gave a paper to this amount to Sir Henry Clinton, and I believe to Mr. Eden, but I am not certain whether I gave it to Sir William Howe or not.

Q. When Sir William Howe arrived off the mouth of the Delaware, were there any obstructions to his landing below the *chevaux de frize*, and above Bombay Hook?

A. There was no obstruction that I know of; there were no forts below the *chevaux de frize*, nor any obstruction, unless the water guard that lay above the *chevaux de frize* might be deemed an obstruction.

Q. Were there to your knowledge any regular force in the province of Pennsylvania at that time?

A. There were none; I made particular inquiry of all the inhabitants of Philadelphia, and others; I inquired of a gentleman who lived at Newcastle, and was on the spot.

Q. What was the distance between the bite of Newcastle and the road leading from Elk Head to Philadelphia?

A. About seven or eight miles.

Q. Where was Mr. Washington's army at the time the King's fleet and army were off the Delaware?

A. They were in the Jerseys; I speak to this from a particular inquiry from the inhabitants on the spot; and from the best information I could get of Washington's army, they did not pass the Delaware from Jersey until about the 10th or 12th of August.

Q. When did the rebels pass through Philadelphia?

A. I was informed that they passed through about the 23d of August.

Q. From whom had you that information?

A. I do not know it from my own knowledge; but from the general declaration of the people who were on the spot.

Q. Had you any communication with Sir William Howe respecting his going up the Chesapeak, and what communication?

A. After my return from Hillsborough to New-York, I met on the road accidentally Lord Howe. In a conversation that passed between us, I suspected that Sir William Howe

was

was going with his fleet and army round to Chesapeak; I foresaw the difficulties he would meet with, and was distressed at it. Instead of pursuing my journey to the city, I returned to my friend's where I had lodged the night before, Mr. Foxcraft, deputy post-master-general of North America; I told him that I apprehended Sir William Howe was going round to the Chesapeak; I asked him for pen and ink and paper; I put down in writing those difficulties which I thought Sir William Howe would meet with, and which I thought he ought to be apprised of. When finished I shewed it to Mr. Foxcraft, and he approved of them, and resolved to send them to Sir William Howe. I carried them to Captain Montresor, through whom I often communicated with the General; Captain Montresor, on the perusal of them, approved of them also, and said he would chearfully deliver them to him. The difficulties I pointed out, were in substance as follow: the distance of the way round was mentioned, from the Hook to the head of the Elk; the constant prevalence of the southerly winds along that coast at that season of the year. In order to induce Sir William Howe to prefer going up the Delaware to the Chesapeak, I mentioned that the distance from Newcastle to Lancaster, where I apprehended he might be going after Washington's magazines, was about the same as the distance from the head of Elk; that the country was more open, and the roads better; and that supposing his object was the magazines at Lancaster, his going up the Delaware would be an excellent cover to his designs, as the enemy would naturally conclude that Philadelphia was his object and not those magazines. These, I think, to the best of my recollection, were the difficulties and facts contained in the paper that I delivered to Captain Montresor; if I am mistaken in any particular, it is from want of recollection, and Sir William Howe can set me right as he had the paper. About eight or ten days after I delivered the paper, Sir William Howe sent for me by Captain Montresor, and asked me how I knew he was going to the Chesapeak? I answered I did not possibly know it; he said I did, from the paper before him; I replied the paper was not positive, but conditional supposing he went there. He then asked whether my objection rested on the difficulties of the navigation of the Chesapeak? I replied it did not. I was a very little while with Sir William Howe, and I do not recollect any thing else that passed.

Q. When it was known in Philadelphia, that that city was to be evacuated, what effect had it on the minds of the inhabitants?

A. The

A. The inhabitants of that city, a very few excepted, were faithful and loyal subjects of the crown. Many of them have taken a very decisive and active part on the part of the crown; a measure of that kind could not fail therefore to strike them with great dismay and great distress.

Q. Did you, or any other persons to your knowledge, apply to the commander in chief upon this occasion, for advice respecting the measures proper to be pursued for your personal safety, and what was the advice given?

A. Sir William Erskine came down to me, as from Sir William Howe and Sir Henry Clinton, to give me notice, as superintendant of the city, that it was to be evacuated. I sent for the magistrates that were acting under me immediately, to consult them respecting our own safety, and that of the inhabitants who had taken a decisive part on behalf of the crown. In our conversation, Mr. Schumacher mentioned to me, what he had told me a few days before, that Sir William Howe had advised him to go over to Washington and make his peace. It was natural for us to consult together upon the consequence of that advice, and we all resolved not to follow it. However, we thought it necessary, as our safety was still unprovided for, as our lives were attainted, and all that we had in the world confiscated, still to know what was to become of us. The magistrates requested I would wait on Sir William Howe on the occasion, which I accordingly did immediately, when he gave me the same advice.—I started a difficulty respecting the practicability of it, when he advised me to apply to Sir Henry Clinton to procure a flag to go out for that purpose. I returned to the magistrates, and reported what had passed, and we then seriously debated and considered among ourselves, whether we should follow the advice. One of the magistrates did not say so much on the subject as the two others did, which induced me to put the question singly, whether we should follow the advice or not. I put it to the magistrate who had said little first. His answer was immediately in the negative, and we unanimously agreed not to follow it. We however, resolved, before we parted, to communicate our circumstances to Sir Henry Clinton, with the advice that was given to us, as we knew upon him in a few days the command of the army would devolve. I wrote a letter to Sir Henry Clinton, requesting an interview upon a matter which highly concerned the magistrates and citizens of Philadelphia. Not receiving an answer from Sir Henry Clinton so soon as I expected, and Colonel Innis, a confidential

dential friend of Sir Henry Clinton's, calling on me, I communicated the whole that I have mentioned to him, and requested he would speak to Sir Henry Clinton on the occasion. A good deal passed between us. He seemed alarmed that we should go over to the enemy, and pointed out some consequences that would attend it, and immediately offered to go to Sir Henry Clinton, and bring us an answer relative to our personal safety. He soon returned, and informed me that what he should say I was not to understand as official from Sir Henry Clinton (he did not say so, but I understood it was because the command had not then devolved on Sir Henry Clinton) and informed me, that Sir Henry Clinton said that he could not grant a flag on such an occasion, had we requested it; that the game was not up; that the war was not over, but would still be carried on vigorously, and desired that we would not entertain a thought of going over to the enemy.

Q. If the magistrates of Philadelphia had gone over to the rebels, what effect would that have had in America?

A. If the magistrates of Philadelphia had gone over to the rebels under that advice, it would certainly have had a very pernicious effect. The people in general would have believed, what the rebels at that time industriously propagated, that the contest was given up, and that America was to be evacuated; they would, or at least great numbers of them would, have taken the oaths of allegiance to the states, and become their perfect subjects.

Examined by other Members of the Committee.

Q. Did you attend the army from Brunswick to Trenton in 1776?

A. Yes.

Q. At what time did the army march from Brunswick, and at what time did it arrive at Prince's-Town that day?

A. I lodged with General Vaughan the evening before, and understood the orders were to march at 4 o'clock. The army did march very early. They arrived at Prince's-Town about four o'clock in the afternoon.

Q. Where was Washington and his army at that time?

A. The main body of his army was at Trenton, a part at Prince's-Town, and, I believe, a few advanced nearer to Brunswick, to observe the motions of the British army.

Q. Had you information, which you had reason to believe, with regard to the time of Washington's leaving Prince's-Town that day?

A. I was

A. I was informed by several of the inhabitants of Prince's-Town, and particularly by the gentleman with whom I lodged, that Washington had left it about an hour before the van of the British army arrived.

Q. At what hour the next morning did the army march from Prince's-Town to Trenton, and what time did the army arrive at Trenton?

A. To the best of my recollection, the army marched between eight and nine o'clock in the morning, and arrived at Trenton about three in the afternoon.

Q. Do you know what was General Washington's force at that time, and by what means do you know it?

A. I have said before, that General Washington's force consisted at that time of about 3300 men; a number of the inhabitants of Trenton made his force less; but Major Barnes of the provincial corps, who lived in Trenton at the time, and at whose house Washington took up his head quarters, informed me, that by a return made to Washington the day before he passed the Delaware, his whole army, excepting Lord Stirling's brigade, amounted to 2900 men, and Lord Stirling's brigade did not at that time amount to quite 400.

Q. Is it your opinion, that it was possible or not to have overtaken General Washington's army before it had crossed the Delaware?

A. I am no military man, and can speak only to facts, which, as far as they go, I am ready to answer.—Had Sir William Howe marched from Prince's-Town at four o'clock in the morning, as he did from Brunswick, or at three o'clock, as he did from Philadelphia to White Marsh, he certainly would have been at Trenton four or five hours sooner than he was.—Washington's last boat, in which he carried over his army, had not reached the opposite shore, when the van of the British army arrived at Trenton.

Q. How far is it from Prince's-Town to Trenton?

A. Twelve measured miles. [*Withdrew.*

June 17.

Lord North delivered the following message from the King.

GEORGE R.

The Ambassador of the King of Spain having delivered a paper to Lord Viscount Weymouth, and signified that he has received orders from his court immediately to withdraw from this country, his Majesty has judged it necessary to direct a copy

copy of that paper to be laid before the House of Commons, as a matter of the highest importance to his crown and people; and his Majesty acquaints them, at the same time, that he has found himself obliged, in consequence of this hostile declaration, to recall his ambassador from Madrid.

His Majesty declares, in the most solemn manner, that his desire to preserve and to cultivate peace and friendly intercourse with the court of Spain has been uniform and sincere; and that his conduct towards that power has been guided by no other motives or principles than those of good faith, honour, and justice: and his Majesty sees with the greater surprize, the pretences on which this declaration is grounded, as some of the grievances enumerated in that paper have never come to the knowledge of his Majesty, either by representation on the part of the Catholic King, or by intelligence from any other quarter; and, in all those cases where applications have been received, the matter of complaint has been treated with the utmost attention, and put into a course of inquiry and redress.

His Majesty has the firmest confidence, that his faithful Commons will, with that zeal and public spirit which he has so often experienced, support his Majesty in his resolution to exert all the power and all the resources of the nation, to resist and repel any hostile attempts of the Court of Spain; and that, by the blessing of God on the rectitude of his intentions and the equity of his cause, his Majesty will be able to withstand and to defeat the unjust and dangerous enterprizes of his enemies against the honour of his crown, and the commerce, the rights, and the common interests of all his subjects.

G. R.

Lord North also presented to the House, by his Majesty's command, a copy of a paper delivered to Lord Viscount Weymouth, by the Marquis d'Almodovar, the 16th June, 1779; and translation.

The following is a copy of the translation. The original was in French.

"ALL the world has been witness to the noble impartiality of the King, in the midst of the disputes of the Court of London with its American colonies and with France. Besides which, his Majesty having learned that his powerful mediation was desired, generously made an offer of it, which was accepted by the belligerent powers, and for this motive only a ship of war was sent on the part of his Britannic Majesty to one of the ports of Spain. The King has taken the most energetic

energetic steps, and such as ought to have produced the most happy effect, to bring those powers to an accommodation equally honourable to both parties; proposing for this end wise expedients for smoothing difficulties, and preventing the calamities of war. But although his Majesty's propositions, and particularly those of his ultimatum, have been conformable to those which at other times the Court of London itself had appeared to judge proper for an accommodation, and which were also quite as moderate, they have been rejected in a manner that fully proves the little desire which the British cabinet has to restore peace to Europe, and to preserve the King's friendship. In effect, the conduct of that cabinet, with regard to his Majesty, during the whole course of the negotiation, has had for its object to prolong it for more than eight months, either by vain pretences, or by answers which could not be more inconclusive, whilst in this interval the insults on the Spanish flag, and the violation of the King's territories, were carried on to an incredible excess; prizes have been made, ships have been searched and plundered, and a great number of them have been fired upon, which have been obliged to defend themselves; the registers have been opened and torn in pieces, and even the packets of the court, found on board the King's packet-boat.

"The dominions of the Crown in America have been threatened, and they have gone to the dreadful extremity of raising the Indian nations, called the Chatcas, Cheroquies, and Chicachas, against the innocent inhabitants of Louisiana, who would have been the victims of the rage of these barbarians, if the Chatcas themselves had not repented, and revealed all the seduction the English had planned. The sovereignty of his Majesty in the province of Darien, and on the coast of St. Blas has been usurped, the Governor of Jamaica having granted to a rebel Indian the commission of captain-general of those provinces.

"In short, the territory of the Bay of Honduras has been recently violated by exercising acts of hostility, and other excesses against the Spaniards, who have been imprisoned, and whose houses have been invaded; besides which, the Court of London has hitherto neglected to accomplish what the 16th article of the last treaty of Paris stipulated relative to that coast.

"Grievances so numerous, so weighty, and recent, have been at different times the object of complaints made in the King's name, and stated in memorials which were delivered either

either to the British ministers at London, or transmitted to them through the channel of the English ambassador at Madrid; but although the answers which were received have been friendly, his Majesty has hitherto obtained no other satisfaction than to see the insults repeated, which lately have amounted to the number of one hundred.

"The King, proceeding with that sincerity and candour which characterize him, has formally declared to the court of London, from the commencement of its disputes with France, that the conduct of England should be the rule of that which Spain would hold.

"His Majesty likewise declared to that court, that at the time their differences with that of Paris might be accommodated, it would be absolutely necessary to regulate those which had arisen, or might still arise with Spain, and in the plan of mediation which was sent to the underwritten ambassador the 28th of last September, and which was by him delivered to the British ministry in the beginning of October, a plan with which Lord Grantham was apprized, and of which he received a copy, his Majesty declared in positive terms to the belligerent powers, that in consideration of the insults which his subjects and dominions had suffered, and likewise of the attempts levelled against his rights, he should be under the necessity of taking his part, in case the negotiation, instead of being continued with sincerity, should be broken off, or should produce no effect.

"The causes of complaint given by the Court of London not having ceased, and that court shewing no dispositions to give reparation for them, the King has resolved, and orders his ambassador to declare, that the honour of his crown, the protection which he owes to his subjects, and his own personal dignity, do not permit him to suffer their insults to continue, and to neglect any longer the reparation of those already received, and that in this view, notwithstanding the pacific dispositions of his Majesty, and even the particular inclination he had always had and expressed for cultivating the friendship of his Britannic Majesty, he finds himself under the disagreeable necessity of making use of all the means which the Almighty has intrusted him with, to obtain that justice which he has solicited by so many ways, without being able to acquire it. In confiding on the justice of his cause, his Majesty hopes that the consequences of this resolution will not be imputed to him before God or man, and that other nations will form a suitable idea of this resolution, by comparing it to conduct

duct which they themselves have experienced on the part of the British ministry.

(Signed Le MARQUIS D'ALMODOVAR."

London, 16 *June*, 1779.

A motion was made by Lord North, to present an humble address [*See next page*] to his Majesty, which was unanimously agreed to.

Lord *John Cavendish* then moved, "That an humble address be presented to his Majesty, that his Majesty will be graciously pleased to give immediate orders so to collect his fleet and armies, as may enable his Majesty to exert the whole force of this country against the united force of the House of Bourbon."

Mr. *Jenkinson* asked, if the words "whole force" were meant to include the force in America; and being answered that they did, he moved to adjourn.

Mr. *T. Townshend* approved of the noble Lord's motion, whether it meant to include the force in America or not: ministers might put that construction upon it and act accordingly; and it would be happy for them and this country if they did.

Mr. *Burke* spoke in support of the address, because he considered it impossible to carry on the war in America, while we were engaged in a war with France and Spain. The British dominions in Europe were now at stake, and therefore the whole of the British force should be in Europe to defend them, and attack the enemy.

Mr. *Ellis* said, the force in North America must not be withdrawn, because it would be leaving those people in America defenceless, who have declared for the King.

Mr. *Wedderburn* said the same.

Mr. *Dundas* (Lord Advocate) said the same, and called upon Lord Howe and Admiral Keppel to offer their services, which he was certain the present ministers would accept of.

Lord *Bulkeley* apologized to the House for attempting to collect its attention on so insignificant an individual as himself; but concerned as he felt himself for the welfare of his country at this alarming crisis, he could not help seconding a hint which fell from a learned gentleman below him [Lord Advocate of Scotland] that the noble Viscount who had so ably acquitted himself in his professional character in America, and a worthy and respectable Admiral [Keppel] in his eye, whom he personally knew and respected, would offer their services to their country at this moment. Said, he had some property at stake, which might eventually be much greater, and which

which led him to wish, without any disrespect to the admirals now employed, that such as he mentioned were now at the head of the fleet. With respect to the motion of the noble Lord [John Cavendish] he should certainly vote for it, as he was quite sick of America, and was desirous of pointing out the necessity of employing our troops, now inactive there, againſt our perfidious enemies of the House of Bourbon.

Mr. *Eden* said, he could not approve of the motion of address, because it professed to prescribe to his Majeſty a partial and particular mode of conducting a very complicated war; that such advice, whether right or wrong, ought not to be given in the open council of the nation, which was very ill suited to charge itself with the executive conduct of an emergency like the present; that at leaſt such advice can only amount to a superfluous recommendation to miniſters to do their duty; for the due and wise performance of which, the conſtitution has already made them responsible: that, however, he thought the advice wrong in its purport, because, though in particular seasons, and for particular purposes, it may be eligible to apply a part of the present American force on services distant from our colonists, it would never be either eligible or necessary this campaign to withdraw the whole of that force from the maintenance of our possessions, and the protection of our friends; least of all could it be either eligible or necessary to announce such an intention to our various enemies, and to put into their hands all the advantages to be drawn from the foreknowledge of it. He approved the mode of resisting the motion by an adjournment in preference to a negative, because if it was wrong to declare to our enemies what we would do, it was also wrong, though in an inferior degree, to declare what we would not do,

There appeared for the motion, to adjourn, 156, againſt it, 80.

June 18.

The following address was presented to the King.

Moſt Gracious Sovereign,

We, your Majesty's most dutiful and loyal Subjects, the Commons of Great Britain in Parliament assembled, return our humble thanks to your Majesty, for the communication of the paper delivered to Lord Viscount Weymouth by the ambassador of the King of Spain, which we cannot but consider as a matter of the highest importance to your Majesty's crown and people; and for acquainting us, that, in consequence of this hostile declaration, your Majesty has found

yourself obliged so give orders to your ambassador to withdraw from that court.

Among the many proofs we have received of your Majesty's constant care and concern for the safety and happiness of your people, your Majesty's declaration of your sincere desire to preserve and to cultivate peace and friendly intercourse with the court of Spain cannot fail to inspire us with the highest sentiments of gratitude and attachment: and we beg leave to assure your Majesty, that, animated by your Majesty's example, we will, with unshaken fidelity and resolution, and with our lives and fortunes, stand by and support your Majesty in resisting and repelling all the hostile designs and attempts of your enemies against the honour of your crown, and the right and common interests of all your subjects.

The King's Answer.

GENTLEMEN,

This unanimous and affectionate address affords me the truest satisfaction, and demands my particular thanks: the zealous and firm support of my faithful Commons, at this important crisis, must give the greatest weight and effect to my exertions of the national force. I can entertain no fear of the designs or the enterprizes of my enemies, whilst I stand at the head of a free, brave, and united people.

The House went into a committee on the American correspondence, F. Montagu, Esq. in the chair.

Joseph Galloway, Esq. called in and examined by several members of the committee.

Q. Whether in your opinion the river Delaware might have been crossed by Sir William Howe when he came down to Trenton with the army, and your reasons for that opinion?

A. There does not appear to me to have been any difficulties to have prevented the British army from passing the Delaware in December 1776, when Sir William Howe was at Trenton. I have said, that Washington's force was but small. The river Delaware in and about Trenton is from three to four hundred yards wide; at a place called Bond's Ferry, about two miles below Trenton, I think the distance across the river is very near three hundred yards. The ground at the place I have mentioned (Bond's Ferry) is high, and perfectly commands the shore on the opposite side, far beyond cannon-shot. Under these circumstances I know of no difficulty,

ficulty, except that of the want of boats or pontons. I had a conversation with Captain Montresor——

Objection being taken to his proceeding to give an account of this conversation,

He was ordered to withdraw.

Again called in.

Q. Had you any occasion to examine particularly into the practicable means of passing the river?

A. The conversation I intended to have mentioned was only as introductory to a most material fact, which was, that at Captain Montresor's request, I did enquire whether there were any materials in or about Trenton, with which pontons, or boats, or rafts, might be constructed, and I found 48,000 feet of boards, a quantity of iron, and there was timber enough about Trenton for that purpose.

Q. Did you find boats or scowls?

A. I did; there were two boats; they were in a mill pond, not on the river, but at a little distance from Trenton. I did not see them, but they were reported to me to be there.

Q. How many men would those boats carry at a time?

A. I understood from fifty to sixty a-piece.

Q. In what time, from the information you got, did you understand that a bridge might be made to pass the river?

A. I can't answer that, I am not competent to answer to that question. [*Withdrew.*

Called in again.

Q. Did you see the boards you mentioned?

A. I did not.

Q. When the British troops took possession of the Jerseys, were any proclamations issued, or measures taken to conciliate the minds of the people to the British government?

A. There was a proclamation issued. I understood it was issued when Sir William Howe was in the Jerseys: I met with it at Brunswick. I really can't be certain as to the date. By this proclamation a pardon was offered to all such of the inhabitants as should come in and take the oath of allegiance to the crown, and by it a promise or engagement to protect them in their persons and properties.

Q. In what manner were the inhabitants treated by the British troops after they received their protections?

A. Many of them, by far too many, were plundered of their property while they had their protections in their hands, or in their houses. Friends to government and those

disaffected to government shared the same fate in a great variety of instances. [*Withdrew.*

Again called in.

Q. Was that last answer given from your own knowledge?

A. From my own knowledge.

Q. By whom were such inhabitants plundered after they had recovered their protections?

A. By the British and Hessian troops.

Q. To your own knowledge?

A. I should be happy if the committee would let me explain myself. It may be expected that I ought not to answer to my own knowledge unless I saw the fact committed; that I did not, and yet I can assign such reasons, I think, as will justify me in saying to my own knowledge. The people plundered have come in to me recently from the fact, with tears in their eyes, complaining that they were plundered of every thing they had in the world in their houses, even of the pot to boil their victuals. I myself drew a memorial to Sir William Howe in behalf of a friend to government, who had been plundered of many thousands in Madeira wine; that memorial was presented, the determination of it was referred to General Robertson, whether the person should be paid for the wine or not (the person was Mr. Sharp, of New York) and it was settled; and I have reason to know of many other memorials that were presented. I have seen them before they were presented; and as to the fact of the plunder, many affidavits were taken on that occasion by the enemies to government, which affidavits were published throughout all America. [*Withdrew.*

Again called in.

Q. Was you with the army when they marched from Brunswick to Hillsborough?

A. I was.

Q. Do you know of any roads leading round Mr. Washington's camp at Middle-Brook on the North, by which Sir William Howe might have passed round, between him and the Delaware, and his magazines?

A. I never passed the road from Brunswick to Middle-Brook.

Q. Where were Washington's magazines at the time you were in the camp at Middle-Brook?

A. His artillery magazines were at Norwich, about fifteen miles from Philadelphia; the magazines of provisions were

were at Lancaster, at Manheim, Carlisle, Labanon, and I believe some at Reading; all in Pennsylvania. I speak from accounts brought to me at New York, which I gave to Captain Montresor.

Q. Could General Washington, in your opinion, in case General Howe had crossed the Delaware, have remained in the Jerseys, when his magazines were in the places you have mentioned?

A. He certainly might if he had chose it, and had determined to abide the consequences which might have attended the loss of his magazines.

Q. Do you apprehend he might have maintained his army with provisions and stores without those magazines?

A. Not in any short time.

Q. Were there any preparations made by General Howe for crossing the Delaware, at or before his march to Hillsborough, and what were they?

A. There were a number of pontons built at New York and put upon carriages, a number of flat-bottom'd boats prepared and put upon carriages. These were carried to Brunswick; taken out of the water, and put upon carriages at Brunswick: they were not carried to Hillsborough, but remained at Brunswick.

Q. Do you know whether the Delaware is fordable above or below Trenton?

A. In the summer it is fordable in a great variety of places. In June, July, August, September, and October, the passage over is interrupted occasionally by heavy rains. The freshes in the Delaware generally subside in four or five days after the rain ceases.

Q. Were there any particular circumstances to make you suppose it was not fordable at that time?

A. Whether the rain while we were at Hillsborough, when it rained perpetually, made it fordable, or not, I can't tell.

Q. Have you had your pardon?

A. I have not. [*Withdrew.*

Again called in, and proceeds in his Answer to the last Question.

A. I did not apprehend, and I am perfectly conscious in my own mind that I have never done any thing that requires a pardon. I beg that I may have an opportunity in a brief manner of explaining my conduct, and then I will proceed to shew that a pardon was denied, as unnecessary. I

went into Congress at the earnest solicitation of the assembly of Pennsylvania. I refused to go unless they would allow me or send with me, as the rule of my conduct, instructions agreeable to my own mind; they suffered me to draw up those instructions; they were briefly to state the rights and the grievances of America, and to propose a plan of amicable accommodation of the differences between Great Britain and the colonies, and of a perpetual union. I speak now from record, the records of Pennsylvania, where those instructions are. Upon this ground, and with a heart full of loyalty to my Sovereign, I went into Congress, and from that loyalty I never deviated in the least. I proposed a plan of accommodation in the Congress agreeable to my instructions; some of the best men, and men of the best fortunes espoused the plan, and drew with me. It was proposed and debated a whole day, and carried upon the question six colonies to five, that it should be resumed and farther considered. I have in my hand the introductory resolve in my own hand writing, which identically was delivered by me in Congress. It is indorsed in the hand of Charles Thompson, the then and present secretary to the Congress. The introductory resolve is but short, and I will therefore, for the information of the committee, and in vindication of my own reputation, beg leave to read it. [*He read it as follows.*

Indorsed, Mr. J. Galloway's *Motion*, 28th September, 1774.

" Resolved, That this Congress will apply to his Majesty for a redress of grievances under which his faithful subjects in America labour, and assure him that the colonies hold in abhorrence the idea of being considered independent communities on the British government, and most ardently desire the establishment of a political union, not only among themselves, but with the mother state, upon those principles of safety and freedom which are essential in the constitution of all free governments, and particularly that of the British legislature. And as the colonies from their local circumstances cannot be represented in the parliament of Great Britain, they will humbly propose to his Majesty and his two Houses of Parliament the following plan, under which the strength of the whole empire may be drawn together on any emergency, the interest of both countries advanced, and the rights and liberties of America secured."

I beg farther to observe, before I read the plan, that my great object was to prevail on the Congress to take the ground

ground of accommodation, and to avoid that of arms; and therefore, in forming a plan, I omitted many things, or at least some things, that I thought might obstruct their taking that ground. I don't therefore propose it as a perfect plan, nor altogether as a plan of my judgment. [*Withdrew.*

Called in again and proceeds.

The reason why the plan was not altogether of my judgment was, because that I thought it would admit of some additions, and not that I disapproved of the plan as far as it went.

[*He read the Plan as follows.*

A Plan of a proposed union between Great Britain and the Colonies of New Hampshire, the Massachuset's Bay, Rhode Island, Connecticut, New-York, New-Jersey, Pennsylvania, Maryland, the three lower Counties on Delaware, Virginia, North Carolina, South Carolina, and Georgia.

"That a British and American legislative government, for regulating the administration of the general affairs of America, be proposed and established in America, including all the said colonies; within and under which government each colony shall retain its present constitution and powers of regulating and governing its own internal police in all cases whatever.

"That the said government be administered by a president-general, to be appointed by the King, and a grand council to be chosen by the representatives of the people of the several colonies in their respective assemblies, once in every three years.

"That the several assemblies shall chuse members for the grand council in the following proportions, viz.

New Hampshire	-
Massachuset's Bay	-
Rhode Island	-
Connecticut	-
New-York	-
New-Jersey	-
Pennsylvania	-
Delaware Counties	-
Maryland	-
Virginia	-
North Carolina	-
South Carolina	-
Georgia	-

who shall meet at the city of ———— for the first time, being called by the president-general as soon as conveniently may be after his appointment.

"That there shall be a new election of members for the grand council every three years, and on the death, removal, or resignation of any member, his place shall be supplied by a new choice at the next sitting of the assembly of the colony he represented.

"That the grand council shall meet once in every year, if they shall think it necessary, and oftener if occasion shall require, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at by the president-general on any emergency.

"That the grand council shall have power to chuse their speaker, and shall hold and exercise all the like rights, liberties, and privileges, as are held and exercised by and in the House of Commons of Great Britain.

"That the president-general shall hold his office during the pleasure of the King, and his assent shall be requisite to all acts of the grand council, and it shall be his office and duty to cause them to be carried into execution.

"That the president-general, by and with the advice and consent of the grand council, hold and exercise all the legislative rights, powers, and authorities, necessary for regulating and administering all the general police and affairs of the colonies in which Great Britain and the colonies, or any of them, the colonies in general, or more than one colony, are in any manner concerned, as well civil and criminal as commercial.

"That the said President-general and grand council be an inferior distinct branch of the British legislature, united and incorporated with it for the aforesaid general purposes; and that any of the said general regulations may originate and be formed and digested either in the Parliament of Great Britain, or in the said grand council, and being prepared, transmitted to the other for their approbation or dissent; and that the assent of both shall be requisite to the validity of all such general acts or statutes.

"That in time of war all bills for granting aids to the crown prepared by the grand council and approved by the president-general shall be valid and passed into a law without the assent of the British Parliament."

Under the circumstances of my whole conduct, as well in Congress as out of it, I did not apprehend, that I had done any one act that required a pardon; and yet, as I was a member of that Congress, I thought it necessary, or at least I did apply to the then acting secretary of the commissioners, and tendered myself to comply with the proclamation, by taking the oath of allegiance, and thereupon to receive a pardon.

Q. What year was it you tendered yourself?

A. I think it was in January, 1777: I was told by Mr. Searle, who was the secretary, that he would not give a pardon, because it was not necessary. I desired he would mention it to Lord Howe. I saw him a few days after, and applied again for a pardon; I received the same answer, that he would not give me one, because it was not necessary.

Q. Is Mr. Searle a barrister at law, and what office was he in?

A. I don't know whether he is a barrister; he was acting secretary to the commissioners, and was granting pardons.

Q. Did you ever apply to Lord Howe, Sir William Howe, or Mr. Strachey, their secretary, on that subject?

A. Not personally: I thought two applications to the acting secretary were sufficient.

Q. Are you not of the profession of the law?

A. I am.

Q. Did you think Mr. Searle understood the nature of your proceedings in Congress better than yourself?

A. I imagine he did not; nor do I think a person being in an assembly of people (if I understand any thing of the law), which assembly does an illegal act, and that person does not assent, but object to it (as all guilt must originate from the mind) is guilty; and I believe no authorities of the law will justify that doctrine.

Q. Have you not signed the association?

A. I did; and I will give my reasons: I did it on the ground of preventing the Congress from proceeding to more violent measures; and even when I consider that association, if this was a proper place to reason on the signing of it, I think there was no degree of guilt in it.

Q. Does not that association begin with a declaration purporting, that the situation of the American affairs was unhappy; and that it was occasioned by a ruinous system of colony administration, adopted by the British ministry, about the year 1763, evidently calculated for enslaving the colonies, and with them the British empire; that acts were passed for depriving the American subjects of the constitutional trial by jury,

jury, exposing ther lives to danger, by a new and illegal trial; and that the Quebec act, for the establishment of arbitrary government, discouraging the settlement of the British subjects in that country, and to dispose the inhabitants to act with hostility against the free protestant colonies, whenever a wicked ministry should chuse to direct them?

A. I declare to this committee, I don't know whether that was in the association or not: I have never read the association since I signed it, I liked it so little.

Q. Did you read it before you signed it?

A. I did not read it before I signed it, but it was read to me, or else I could not have said that I disliked it.

Q. You signed it notwithstanding?

A. I did sign it notwithstanding, and I have given my reasons for it.

Q. Did it not contain an agreement not to import from Great Britain into America the goods which might legally have been imported, or to export those which might legally have been exported to Great Britain?

A. The substance of the association is really out of my mind. I am ready to answer all questions, although they may tend to criminate myself, if the committee approve of it.

Q. Whether this association did not contain a resolution, that they would never have any connection with any merchant that made such importation or exportation?

A. I don't recollect any one article of the association.

Q. Whether that association was not to continue until several acts of Parliament were repealed?

A. It is very probable it might. I don't recollect when the association expired, nor the terms upon which it was to expire; the association is a public paper, and will speak for itself.

Q. Do you think if such resolutions be contained in the association, they are agreeable to law?

A. I am ready to submit to the decision of the law with respect to that matter, whenever I am called upon?

Q. Did you not sit in the committee of grievances?

A. I sat in the grand committee that was appointed to state the grievances, and propose the plan of accommodation with Great Britain;——it was one committee.

Q. Did not that committee come to a resolution, that three statutes, viz. the Boston Port Bill, the Massachuset's Charter Bill, and the act for the impartial administration of justice, are impolitic, unjust and cruel, as well as unconstitutional

tional and most dangerous and destructive of American rights?

A They did, I believe, but not with my approbation, because I thought then, and think still, there were sufficient grounds for the making those acts.

Q. Did you declare that in Congress?

A. I don't know that I did—I do not recollect. It is very possible I might; for I did in Congress things equally disagreeable to the violent party, insomuch, that they sent me an halter with a letter attending it, threatening to put me to death if I did not make use of it. This much I can say, that there was no violent measure proposed in it, that I did not oppose, and to which I did not insist upon leave to enter my protest, which was denied me.

Q. Who sent that halter, and its accompaniments; was the letter signed by Charles Thompson, Peyton Randolph, or by any other member of Congress?

A. I don't know who sent it—it was some infamous assassin, I presume, on the part of the violent part of the Congress. It was reported that two members of the Congress were concerned in it, but as I don't know the fact, I don't mention their names; the letter was anonymous.

Q. Do you know that you offered your protest on that question of the resolves concerning the three statutes?

A. I don't remember that particularly, more than in the course of the other parts of my conduct.

Q. Do you remember that the Congress came to a resolution, that the dutiful, humble, loyal, and reasonable petitions of their assemblies to the crown for redress have been repeatedly treated with contempt by his Majesty's ministers of state?

A. I really don't recollect that they came to such a particular resolution; possibly they might, and it is very probable they did.

Q. Did they come to a resolution, that the keeping a standing army in the colonies in time of peace, without the consent of the legislature of that colony in which such army is kept, is against law?

A. They did; I remember that.

Q. Do you think that is agreeable to law?

A. I have no delicacy in answering that question; but as a lawyer I would wish to consider questions of law before I give an opinion. I ever made it my practice in matters of much less consequence than the present.

Q. Did

Q. Did you in that question vote before you had considered it?

A. I imagine not—I must have considered it in the course of the debate.

Q. Have you forgot what you thought of it at that time, whether you then considered it as a true or false proposition?

A. I really don't recollect what I thought of it, and I should wish to consider it before I give my opinion now. Was it proposed to me out of this House, with a fee for my advice, I should choose to re-consider it.

Q. Whether the ten resolutions come to by the Congress, in consequence of a report from the grand committee, which they demanded as their indubitable rights and liberties, are not entered on the journals, as being passed *nemine contradicente?*

A. I don't recollect at this time how they were entered; but this I know, that many resolutions of Congress, when they were published, I found them entered unanimously and *nemine contradicente*, when they were not so as to the individual members. The votes of the Congress were taken by colonies, some of the colonies were represented by nine members, some by seven, some by five, and some by three, and whenever a majority of the members representing a colony was for a question, it counted one, although four out of the nine were expressly against the question, and when all the colonies gave a vote in this way in the affirmative or negative, it was entered unanimously, or *nemine contradicente*, although in some instances there were one-third of the members present against the question carried.

Q. Do you recollect, that these ten resolutions, which were considered by the Congress as their bill of rights, met with any considerable opposition?

A. They did meet with a very considerable opposition. The committee sat near three weeks. The gentleman, who drew with me in opposition, perplexed the proposals made by the violent party (as we acted entirely on the defensive) so that they did not come to a single resolution for better than a fortnight, neither in stating their rights or their grievances; and, as well as I can recollect, the grand committee did not determine on those resolutions. I think, to the best of my knowledge, the committee was dissolved before they were voted, and that owing to the opposition they met with.

Q. Did

Q. Did you give any considerable opposition to those resolutions on the report to the whole, or to which of them?

A. I have not a single one of them in my memory now, so I cannot say which I opposed, and which not.

Q. Did you oppose any of them on the report?

A. I did make an opposition to some of them, I make no doubt, but I can't say which.

Q. Are you positive you made any opposition to any of them?

A. If I could see the ten resolutions I could answer, otherwise not. [*He looks over the resolutions in a printed book.*

I opposed the first and the fourth—the second and third I don't recollect—the fifth I did not—nor the sixth—the seventh I don't recollect—the eighth I must have opposed, but don't recollect. I was of a contrary opinion to the ninth, and, I believe, I opposed it. I know I opposed several; as to the tenth I don't recollect.

Q. Are they not all great fundamental points concerning the principles of the British Constitution, which you, as a lawyer, must have frequently considered?

A. I may have considered them, but I dont know how frequently.

Q. Did not you think yourself particularly called upon at that time seriously to attend to them?

A. I believe I did attend to them.

Question repeated?

A. I don't know whether that idea entered into my head at that time, but I don't doubt but that I did think of them; but I am speaking of transactions very particularly that passed five years ago.

Q. Did not the Congress come to a resolution approving the opposition made by the inhabitants of Massachuset's Bay to the execution of the late acts of Parliament; and that if the same should be attempted to be carried into execution by force, all America ought to support them in their opposition?

A. I remember a resolution to that amount.

Q. Did you oppose it?

A. I did oppose it; and I recollect particularly, I insisted in Congress that they should suffer me to enter my protest. Another member (Mr. Duane) joined me in it. There was a long debete, and we were over-ruled. We then insisted, that our motion for protesting should be entered on the minutes,

nutes, and their negative also on the minutes. It was refused; on which Mr. Duane and myself, when we returned from Congress, gave each other a certificate, declaring our opposition to that question, as we thought it a treasonable one.

Q. Did you continue to attend Congress after?

A. I did, but proposed to Mr. Duane to leave the Congress, and consulted with my friends out of doors respecting my personal safety, if I did. Could I have prevailed on him to have left the Congress with me, or had not my friends unanimously advised me that my personal safety would be in danger, I should certainly have left the Congress.—The city of Philadelphia, on the arrival of that resolve, was thrown into great confusion and disorder; the violent party insisting on it that it should be carried into execution, so that we were in great danger from our opposition.

Q. Was not there a resolution passed, entered unanimously, that every person acting under the authority of the Massachuset's charter act ought to be held in detestation and abhorrence by all good men, and considered as the wicked tools of that despotism which is preparing to destroy those rights, which God, nature and compact had given to America?

A. I believe there was such a resolution, but I don't know how it was entered.

Q. Did you oppose it?

A. I certainly did.

Q. Was not there a letter of Congress directed to be wrote to the people of England?

A. Yes.

Q. Did you consent to that letter?

A. I did not, nor to the letter to the people of Ireland, nor to any of the general letters that were wrote at that time.

Q. Did you consider the Congress as a full and free representation of the colonies?

A. I did not.

Q. Was you freely chosen?

A. I was chosen a member of the assembly of Pennsylvania, and they appointed me a delegate to the Congress.—After the instance I gave the other night of two men in a large district meeting together, and one of them appointing the other a delegate in Congress, and that member being admitted in Congress, I can hardly think that Congress was a perfect and complete representation of the colonies.

Q. In what province do you speak of?

A. Of

A. Of New-York.

Q. Who was the person?

A. Mr. Bocrum.

Q. Do you know that of your own knowledge?

A. I was not on the spot, but I had it from almost all the delegates of New-York.

Q. Were the other delegates so chosen at New-York?

A. They were not.

Q. Do you know another instance of such a choice?

A. There were several instances where very few people met, compared with the numbers in the district.

Q. Do you speak of the first Congress in which you sat?

A. I do.

Q. What counties were there?

A. In the province of New-York, as well as I recollect, the delegates of the city of New-York were appointed by a convention of the city of New-York;—the counties and districts sent others; so that, if I don't forget, there were more members from that province than any other.

Q. But they had no more than one vote?

A. I have answered that before, they had but one vote.

Q. Was that the case in the province of Pennsylvania, that they were not duly elected?

A. No.—When the assembly of Pennsylvania were chosen, which was near eleven months before the Congress sat, the people had no idea of a Congress in their minds.

Q. Was the election a fair one in that assembly?

A. I was received as such by the assembly, and I believe it was.

Q. Do you know any instance out of the colony of New-York of persons elected by a very few?

A. The delegates of the Massachuset's were chosen much in the same manner as those of New-York; but it being a great distance from where I resided, I don't know what number attended their election.

Q. Do you know that they were not fairly elected, and by great numbers of people?

A. I have no knowledge about it, as I never enquired into it, nor heard of it.

Q. Do you recollect what persons the militia of Pennsylvania, and other provinces with which you are acquainted, consisted of in 1774 and 1775?

A. There was no militia in Pennsylvania in 1774.—In 1775 there was; they consisted of a very small part of the province

province of Pennsylvania, the people took up arms with great reluctance in that province. I think the militia of Philadelphia, where there are near 30,000 souls, never amounted to above 15 or 1,600; and in the whole county of Bucks they were short of that number; I don't think there was a greater proportion in the county of Chester; three of the oldest first settled counties in the province.

Q. Who compelled them to take up arms in 1775?

A. The first militia was by a voluntary association, without any compulsion.

Q. Did any associate to oppose them?

A. I never heard of any such.

Q. In no part of Pennsylvania?

A. In none.

Q. Were not such associations formed in several other colonies?

A I believe there were.

Q. Did any associate to oppose them?

A. I did not hear so.

Q. Do you remember in that year, that any great number of people were forcibly disarmed in the province of Pennsylvania?

A. I don't particularly recollect when they began to disarm, but many people were disarmed before the resolve of Congress by the convention, and before the declaration of independence.

Q. How long before?

A. I can't give a satisfactory answer.

Q. Was it in the year 1775?

A. I don't remember whether in the latter end of 1775 or beginning of 1776, but I rather think in 1775.

Q. Were they the greater number of the people that were so disarmed?

A. I rather suspect not: they did not disarm those whom they did not suspect of making use of arms against them.

Q. How many do you think might have been so disarmed?

A. I really can't say what proportion: I know they called on me for my arms.

Q. Do you think that the greatest part of the Pennsylvania, militia were compelled at that time to serve by force?

A. The militia laws which were made in Pennsylvania, I think, were made after that time, but I don't recollect that any of the militia, before those laws were made, were compelled to serve.

Q. Did they obey those laws?

A. Not

A. Not generally.

Q. Quakers excepted, I mean?

A. There were quakers, and a number of other sects, who scrupled carrying arms.

Q. Do you remember the march of Sir William Howe from the Elk to Philadelphia; was you with him?

A. I was.

Q. Is it not almost the whole length of the province in that direction?

A. By no means.

Q. Is the province more extensive in that direction than from the Elk to the Delaware?

A. Not in that strait direction.

Q. Had Sir William Howe a strong army with him?

A. I should think a very strong army, considering the force in opposition to him: the force in opposition to him at the battle of Brandywine did not consist of more than 15,000 men, the army and its attendants, including officers and all, save about 1000 militia, for whom they could not procure arms.

Q. How many of the King's loyal subjects joined the army of Sir William Howe on that march?

A. There were many came into the camp, and returned again to their habitations: I don't know of any that joined in arms; not one; nor was there any invitation for that purpose: by Sir William Howe's declaration, which is before this committee, he only requested the people to stay at home.

Q. If the people were so desirous of repressing the tyranny of the Congress, how came they not to take that opportunity of rising to protect themselves, and to deliver up the usurping magistrates?

A. The people in the province of West New-Jersey had been deserted; many of them who had taken an active part and been assisting to the general, were obliged, to save their lives, to fly to New-York for protection, and desert their wives, their families, and their property: and more, it is not natural to think, that people of property will join an army passing, as that did, from the head of Elk to Philadelphia, leave their wives and families, and their property, liable to be destroyed every moment after the departure of the army, without some assurance, or without some protection left with them, and assurances that the army would continue with them, or be ready to protect them.

Q. Is that so in all the provinces?

A. I think it will be so all the world over.

Q. So that the loyal people are not able to protect themselves after the withdrawing of the army?

A. I do not make that conclusion: if an army goes into a country with design to reduce it, and should find it necessary to make use of the force of that country for its defence, after the army may leave it to go on other operations, common policy, and the practice, I believe, of all generals, has been for the army to remain in that country, until the proper measures were taken, by proper rules and regulations, to embody that force, by which it may be protected when the army shall so leave it.

Q. How long did Sir William Howe stay at Philadelphia?

A. The British army, part of it, passed into Philadelphia the 26th of September, 1777; and evacuated it, I think, the 18th of June following.

Q. Was not that a sufficient time for the loyal people to collect and arm themselves for their own defence, in case Sir William Howe had chosen to quit that place and proceed on other operations?

A. During that time Washington had as much possession of the country of Pennsylvania, except the lines within which the British army were contained, as any enemy could be in a possession of a country.

Q. Did General Washington not consider himself as in an enemy's country, and the people as generally disaffected to him?

A. He did so in respect to intelligence, and, I believe, in respect of procuring provisions; but Washington knew he could, and the people without the lines knew he would, in case they attempted to rise, send a party of his army to suppress them, which might be easily done, as the people well-affected to government were before disarmed.

Q. Was not General Washington defeated at Brandywine?

A. He was driven off the ground, which I call a defeat.

Q. Did the people take that opportunity to rise, or did they, in very considerable bodies, apply to Sir William Howe for arms and support, engaging to embody after that defeat?

A. In a few days after that defeat, Washington collected his army; the people saw Washington again in some force; they saw him march from Philadelphia round to Gosham, to meet Sir William Howe; that defeat gave them but little opportunity to rise,

Q. Did

Q. Did they rise, or send a message, promising to rise, if protected?

A. They did not at that time.

Q. Did they when General Washington retired and Sir William entered into Philadelphia?

A. I can't answer any question which may tend, by a short answer, to contradict what I have said before, without giving my reasons for it.

Q. Upon the retreat of Washington and the entry of Sir William Howe into Philadelphia, was there any considerable rising of the people in favour of the King? [*Withdrew.*

Again called in.

Question repeated.

A. There was not. After the army went into Philadelphia, Sir William Howe remained at German-Town; and although Washington's army retreated when Sir William Howe crossed the Schuyl-Kill up towards Reading, very soon after he returned nearer to Sir William Howe's army about Skippack.

Q. After the battle of Brandy-wine had General Washington any considerable army in the lower counties?

A. He had not.

Q. Was there any insurrection in those counties against the Congress?

A. There was not: but those counties very generally, in my clear opinion, from the head of the Elk, near 200 miles, to the Capes, would have rose in arms, could Sir William Howe, consistent with his operations, have remained for a month at the head of the Elk, or about Newcastle, that covered that peninsula, a reasonable time to admit of their putting themselves into a regular posture of defence, provided they had assurances of this, and invitations, and authority from him to do so.

Q. You having said that General Washington had no army, was there not a royal naval force in the river?

A. There was in the rivers; but there were militia in those parts, who had arms in their hands, and prevented the rest of the people from putting their wishes into execution.

Q. Did they apply to Sir William Howe, or Captain Hammond, or Lord Howe, or any other people in authority, for arms and assistance?

A. I don't know that they made any personal application to any of them; but I understood from Mr. Robinson, a gentleman of the first weight and influence in those counties,

who came in to Sir William Howe at New-York, that he had mentioned it either to Sir William Howe or his aid-du-camp, that he would, with a few men, have landed in the peninsula below, in the course of the fleet round to the Chesapeak; he would engage to raise men enough, and was provided with arms to disarm the rebels in the peninsula, and meet Sir William Howe at the head of the Elk.

Q. Was that or any such application made to Sir William Howe when he was in the city of Philadelphia?

A. I don't know there was.

Q. Did Mr. Robinson, when he made that application for joining Sir William Howe towards the Elk, know that Sir William Howe intended to proceed by the Elk and the Chesapeak?

A. I believe he did not know it; but I know that he hoped or suspected it, because we had many conversations about it; he hoped it because he had his family and his property there.

Q. What was the time of the first of these conversations?

A. It was about the time that the fleet was got ready at New-York; and I often conversed with him on the same subject in Philadelphia, when he often regretted that he was not put on shore.

Q. Was not Sir William Howe out of the lines at the battle of German-Town?

A. Certainly he was: it was about four miles from the lines to Sir William Howe's head-quarters.

Q. Was there at that time an insurrection in his favour, or any considerable invitation?

A. I did not hear of any.

Q. How many inhabitants were there in the city of Philadelphia?

A. I have said about 21,600 when we went into the city.

Q. How many did the provincial corps, formed by Sir William Howe, during all his residence in Pennsylvania consist of?

A. I really can't tell the exact numbers: there were two troops of light horse raised, and I forget whether there was not a third: there were commissions for raising three regiments; how many those regiments contained I can't tell.

Q. How many rank and file were there? were there one thousand?

A. I believe not.

Q. What

Q. What is the reason why you, who are of the law, recollect so well the military transactions of Sir William Howe, and forget so many civil and legal matters that fell within your cognizance while you was a member of the Congress?

A. I have kept a journal, which I can produce to the House, from the time I left my own family to the time I entered Philadelphia, in which I can shew the distance, latitude, the wind and the weather, during the whole voyage round, and other material transactions.

Q. Why did you not keep a journal or minutes of your proceedings in Congress, so far as related to yourself, your own conduct and opinions?

A. I have a great many minutes of my proceedings in Congress; short minutes on separate papers; notes that I spoke from; but I have never looked over those minutes since; nor did I think of making a journal at that time of the proceedings of Congress; I had not the leisure at that time to do then that I had when I made my other journal.

Q. Was you kindly received, protected, and promoted to an office of trust and confidence by Sir William Howe?

A. I was received by Sir William Howe with politeness, and, at his request, I held the office (after considering of it four days) of superintendant of the police of Philadelphia.

Q. Have you not lived in intimacy with Sir William Howe, frequently dining with each other?

A. I have frequently dined with Sir William Howe, and Sir William Howe dined once with we, but was never at my house but once besides, though we lived next door to each other.

Q. Did you make any complaint of incivility or unkindness from Sir William Howe whilst you was in America?

A. No, I don't recollect; nor did I say that he ever treated me with unkindness: the business that was done between Sir William Howe and me, respecting his military operations, was done entirely by his aid-du-camps. When I came in to him from the province of Pennsylvania, I had no personal conversation with him, or not for above eight or ten minutes, respecting the state of that province, nor any other personal conversation with him respecting the state of the colonies in general.

Q. Had you a great property in America before those troubles, and is it now in your possession or of your attornies?

A. I had very considerable property in America before the troubles. I have said before that my life was attainted by an

act of assembly of the rebel states, and my property confiscated: my estate was not short of 40.000l. sterling, on a moderate valuation, before those troubles began.

Q. Have you any hopes of recovering it but by the success of his Majesty's arms?

A. Without that co-operation I have no hopes of recovering it.

Q. Do you receive any allowance from government?

A. I do; but a very small pittance, compared with what I have sacrificed for government!

Q. Is it for life, or during pleasure?

A. I know not; for I never looked or enquired into the appointment.

Lord *Howe*. Don't you remember coming to Lord Howe's quarters in Philadelphia, a short time before the town was evacuated, to ask his advice how it would be best for you to proceed on that occasion?

A. I do.

Q. Did not Lord Howe recommend your staying in Pennsylvania, if you should find it could be done with safety?

A. He did.

Q. Did you not then profess that great attention had been shewn by Lord Howe and General Howe to your person and services antecedent to that period?

A. I do not recollect it: I believe I did mention—something might drop from me to Lord Howe, respecting his confidence and his attention to my family: but as to any attention to my services paid by his Lordship's honourable brother, I do not recollect that any thing passed from me with respect to that; and I am inclined to think that I did not, because the services that I did, I thought deserved as much as I received, or more.

Q. Was not great attention paid to your distressed situation, subsequent to the time that has been named, until Lord Howe left America?

A. Just before the city of Philadelphia was evacuated, I received from Sir William Howe's secretary twenty shillings a day, allowed me from the time I came in to Sir William Howe to that time, as I understood, out of the public money.

Q. Whether, on your apprehensions of the consequences that might happen to you, in case you should be made prisoner on your passage to England, Lord Howe did not offer you and your family a passage in his ship?

A. He

A. He did; and I thanked his lordship for it, and so I do now.

Q. If, on the prospect at that time of your return to England before Lord Howe, you did not request his lordship's interposition with government to obtain some provision for your future support, in reward for your past services, and in compensation for the loss of property you had thereby sustained?

A. I don't recollect any prospect of my returning to England before Lord Howe. If I recollect right, Lord Howe would naturally return before me. I don't recollect that I made a positive request to Lord Howe to intercede with government. I know that a conversation passed between us on the subject, a few days before his lordship came away. Whether I interceded with his lordship or not I can't now recollect; but his lordship gave me to understand that he should have it little in his power to do me any services. I believe very sincerely his lordship was disposed to do it.

Q. Did not Lord Howe, in answer to your application, or in conversation about your returning to England, advise you to express a disregard for General Howe and Lord Howe, as the best plea for obtaining favour from the American minister?

A. I believe his lordship did intimate that he should have no interest when he came home, with the American minister: but I sincerely declare, that I don't recollect that he spoke to me in the positive way the question supposes.

Q. Did you not apply, before you left Philadelphia, for a flag of truce, for the purpose of making your peace with the rebels?

A. I did not. When I made the application to Sir Henry Clinton, Colonel Innys can prove at any time, through whom I made the application, that it was my firm resolution not to apply for a flag of truce. Colonel Balfour several times asked me whether I had got a flag of truce from Sir Henry Clinton? I told him I had not. I did not care, or think it prudent, to tell him what had passed between Sir Henry Clinton and us, respecting what I had communicated to Sir Henry Clinton, and what he had said about a flag of truce; as Colonel Innys informed me what he had brought from Sir Henry Clinton was not to be understood as official.

Q. Did not you finally come away from Philadelphia with the British army on the certainty of losing your life if you had staid; and in the hopes of your property being preserved by your wife's stay in that city?

A. I came away from Philadelphia, knowing that my life would be taken if I staid; but I had no expectation of saving that property which I held in my own right. Mrs. Galloway's estate was very considerable as well as my own, and she staid under an expectation, from some words in the law, that she might retain her own estate, even during my life, and at least after my death; and for that purpose only she remained behind.

Q. Is she now at Philadelphia?

A. She is yet there, and informs me she has no expectation of saving even her estate at all.

Q. How long before the army left Philadelphia had you determined to come away with it?

A. I never had a resolution or determination to stay at all, after the notification of its being to be evacuated. I had taken too active a part against the rebels, and knew that I could have no security if I staid.

Q. Did you not advise every one of your friends, who you thought could remain in safety with the rebels, to stay in Philadelphia; and were not two persons who followed that advice afterwards put to death?

A. There was not a person who had taken an active part to my knowledge, but what I advised to come away with the British army. As for Roberts and Carlisle, the persons to whom I suppose the question alludes, the first never consulted me on the occasion; he had a very large family, and a large estate, and many friends more confident than myself, with whom he advised and whose advice he followed. As for Carlisle, I positively advised him to leave the city, because I knew he would not be safe. I was sent to by some of the first men in the province, to know whether I would advise them to take the oaths of allegiance to the rebel states, and I advised them never to do it, but at the last extremity and necessity.

Q. Had not the other managers of the police, who you have said declined following the advice of Sir William Howe, to remain at Philadelphia, reason to apprehend the same violence if they staid there?

A. I think they would have been capable of making a better interest, and their peace could have been easier made than mine; and yet I have great doubts whether they did not remain in the same jeopardy I did, as the great object of the rebels in confiscating estates was to procure a sum of money, and these gentlemen were men of considerable fortunes.

Q. Do

Q. Do you know if Mr. Willing of Philadelphia had his pardon from the Congress?

A. I don't know.

Q. Did he refuse to take it?

A. I never heard.

[*Withdrew.*

June 21.

Lord *North*, in a short speech, took notice of the critical conjuncture of affairs, and of the hostile designs of the house of Bourbon, from whom this country must naturally expect every danger that insidiousness, ambition and perfidy could invent, or force put in practice. He then adverted to the possibility of an invasion being attempted, and of the necessity of guarding against such an event; he considered the militia as the grand national force, and therefore thought one of the steps adviseable to be taken at present, was to encrease its number. He suggested doubling it, as the most effectual means of raising a large army in the shortest and most expeditious manner, for the better security and defence of the kingdom; and after dwelling for some few minutes on the expediency of the measure, and its practicability, at the same time declaring that he proposed it merely as an expedient, and meant to limit the bill to one year's experiment; he moved for "leave to bring in a bill to augment the militia."

Mr. *Fox* contended, that as the motion made by the noble Lord was an alarm to the whole kingdom, and an acknowledgment that Parliament thought the country in the extreme moment of peril, it would be idle to adopt the measure unless it was known that the proper exertions of another nature had been previously made, and that doubling the militia was not the single point on which his Majesty's Ministers rested the security of the country. He then discussed the situation of our naval strength, mentioning the force of France and Spain, and the force that we now had, as well the squadron sent out under Sir Charles Hardy, as the ships of the line at home and elsewhere, and asked if preparations were carrying on with the necessary vigour and dispatch to reinforce Sir Charles Hardy, declaring that much depended on the ability of that fleet to cope with the fleets of the house of Bourbon, and that every ship-carpenter, every labourer in the dock-yards, every man in the kingdom, capable of holding an adze or driving a peg, ought to be employed in fitting out those five or six ships, which he understood to be nearly ready, and which were designed to be sent to Sir Charles Hardy. He said, with regard to the proposition of doubling the militia, it certainly might

be

one of the means that ought in the present exigency of affairs to be adopted; he believed, however, that it was a measure liable to some objection, and not so practicable as the noble Lord in the blue ribbon seemed to imagine; men might possibly be got, but it might not be an easy matter to find officers; he did not mean, by saying this, to throw impediments or difficulties in its way: he should not oppose the motion himself, nor any motion calculated in any manner whatever to strengthen and add to the defence of the kingdom. God knew this was a moment of great public danger, and every means of every sort which were in the least likely to enable us to resist our enemies, were proper to be adopted and should have his hearty support.

With regard to the militia, many considerations respecting them might occur in the course of the progress of the bill. It might be a question, whether in a time of so pressing and critical a nature as the present, it would not be right to give the King a power of sending a part of the militia over to Ireland, to defend that country; as affairs now stood, it was to many gentlemen a matter of expectation, that the French would attack us in that quarter. Was Ireland in a proper state of defence? Ireland and England he considered as one and the same. Their interests were, or ought to be, mutual, and the defence of the one was as much worthy the consideration of Parliament, as the defence of the other. He called upon ministers to know why, as they could not but have foreseen the present danger, they had put off the defence of the kingdom to the last moment? Why, if the measure the noble Lord had now proposed, appeared to them, upon due deliberation, to be so proper and so necessary, they had not come with it to Parliament sooner? It would have been idle to have argued, that it would have given the kingdom any unnecessary alarm. It could never be wrong to throw out an alarm in time, because however for the moment it was given it might operate as a shock on the people, their panic would be less when the danger really came, and when the enemy were at their doors, they would be better prepared to resist and repel them.

He said, he would not, in a moment like the present, mention names, or go into personal attack upon the ministers; but could they tell the people that the fleets and armies, upon the effectual operations of which the preservation of the country depended, were in the hands of the best and ablest officers? Was or was not every officer, to whom the people had

had been accustomed to look up with a perfect confidence, driven from the service? Were they all in employment, and chearfully acting as they ought to be in the service of their country? After a variety of questions of this sort, Mr. Fox declared, that while the present ministry kept their offices, the people would despond, and despair of any success in the very important war that was impending; for what good could they expect from the conduct of those very men whose measures had already lost us America, and incited France and Spain to pursue those hostile steps that they were now taking against us. He complained of the state of the navy as scandalously unequal to the present exigency of affairs, after the immense sums that had been voted for it, and the repeated assertions that it should be superior to the united fleets of France and Spain, and used a great many strong arguments in proof that the ministry ought not to be trusted any longer.

Lord *Beauchamp* said, he had more than once had it in contemplation to make the very motion that had now been offered, but the difficulty and obstacles that had been thrown in the way of the amendments offered, to stand part of the usual militia bill, had discouraged him from the attempt. He hoped that now the House would be unanimous, and that he should no longer remain in a minority on a militia question. He stated that the present nominal amount of the militia was 30,000, but from the nature of that service, from the expiration of the men's times continually, the kingdom could not, at any period, depend upon the actual service of more than two-thirds of that number; that therefore, if the present motion were adopted and the bill passed, gentlemen would consider, that the militia then in service, would be no more than 40,000, a number by no means too great, considering the emergency of affairs, and that the militia were the only stationary defence of the kingdom. His Lordship further said, that the present might be a good opportunity of removing such objections as might yet remain against the usual militia bill.

His Lordship adverted to the strength of Ireland, and said, that was a matter well worthy the consideration of Parliament. Ireland had, from the nature of its agriculture, no large magazines of corn, it had no fortresses and no money; all of which would be necessary if Ireland was attacked, because otherwise a large army could not make its necessary movements or exist in that country. His Lordship mentioned

tioned the military associations, and said that they would require some attention and some subsistence. In the course of his speech he said, that he hoped to see union and cordiality prevail, in furthering the measures which might be thought necessary to enable government to carry on the war against France and Spain; that he was happy to find there was no very marking shade of difference of opinion between the sentiments of the gentlemen of either side the House, on the subject of the war.

Right hon. *T. Townshend* declared that he did not approve of measures which shewed that the intended system of the war was merely to act on the *defensive*. No good could accrue to the kingdom from a war carried on in that manner. He said, the progressive periods of the war had been so many steps from bad to worse, and that it was impossible, giving the ministers the fullest credit for their possessing more ignorance, more weakness, more folly, more absurdity than any other men in the kingdom, that so accomplished and so compleat a scene of misfortune and national ruin as disinguished this country at present, could have owed its origin to mere incapacity and want of sense; he would speak out—there was *treachery* and *corruption* in the case; he vowed to God, he believed there was something about the court and the cabinet that *bought* and *sold*; some black traitor, whose base purpose it was for a stipulated price to undermine and destroy the very existence of Great Britain as a great people; he protested in the most solemn manner that these were the sentiments of his soul, and that he could not imagine that any other cause than treachery and corruption could have produced such dire effects, as all men now saw and were alarmed at. He complimented Lord Beauchamp on what he had said respecting his intention of suggesting this measure of doubling the militia months ago, and said, he felt as a happy presage, that when the noble Lord should one day fill any of those high offices of this country (if by the blessing of Providence it escaped the dangers that threatened it) which his high rank and character entitled him to, the noble Lord would not, like the present wretched set of ministers, wait till the enemy was at the door, but would wisely look forward, and put such measures in practice as were likely to avert every possible danger, at such a time as should render them effectually serviceable. He lamented, however, at hearing the noble Lord avow that there were neither magazines, forage, fortresses, or money in Ireland, to enable that country to act in its own defence, in case

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of an attack, and rendered the declaration a fresh ground of reprehension of ministry. He adverted to the loyalty of the gentlemen of the armed associations, and gave an instance of their discipline and service on a late occasion. He pointed out the raising of regiments as a better mode of preparing for the defence of the kingdom, than by doubling the militia; because he said, when soldiers were wanted for the purpose of acting in various places, it certainly would be most adviseable to array that kind of soldier whose service was not confined to this kingdom, but who might be employed wherever occasion required.

Lord *North* apologized for rising to speak a second time to the motion, but said, that what had fallen from an honourable gentleman respecting treachery and corruption would render his silence unpardonable. The honourable gentleman had thrown out a charge in such general terms, that it was impossible to fix it on any one person, or to discover at whom it was levelled. Since however it was a charge of a most serious nature, and considering the very critical situation in which we stood, he declared it was highly necessary to purge the cabinet and the councils of traitors, to drag them forth to open day, and, in due time, to deliver them over to condign punishment; he earnestly hoped therefore the honourable gentleman would not stop where he did, and would not content himself with general and indiscriminate assertions, but would state the facts on which he rested his charge, and point out the persons guilty of so foul a crime. He for one, could with the most perfect consciousness of innocence lay his hand upon his heart, and declare that he knew not to what the honourable gentleman alluded, and therefore, as the charge (not being personally aimed) might involve the innocent as well as the guilty, if any such there were, he did intreat and implore a word or two of explanation; he the rather trusted that such an explanation would be given, because the honourable gentleman's justice and candour were at stake.

He certainly would not let a charge of the nature he had stated go out to the world in the loose and indefinite manner in which he had made it; the honourable gentleman had too much humanity and too great a regard for the interest of this country. Having said this, his Lordship spoke to several matters that had been mentioned in the course of the debate. The present motion, he said, by no means led to the doubling the militia, as the single measure which the King's servants had adopted as proper for the defence of the kingdom. The exertion in the naval department which the honourable gentleman,

man, who spoke early in the debate, alluded to, had been set about, and the proper orders had been given for the utmost dispatch to be made in every one branch of the executive government. The ships, now fitting out, which were several more in number than the honourable gentleman had stated, would be ready very soon to reinforce Sir Charles Hardy. All the means that had appeared proper to be put in practice had been adopted to strengthen the kingdom. The present idea respecting the militia was not all we had to look up to. There were at present in this kingdom 71,000 land forces, of whom 63,000 were effective men. This was a larger number than had ever been known to be within the kingdom on any former occasion; and it was intended to double the number of the militia, because that government were desirous of putting nothing to the hazard. With regard to any alterations respecting the discipline or disposal of the militia, the committee would be the proper place for discussing them. As to inserting a clause to give the King a power of sending a part of the militia, that was a serious matter, and before he adopted the idea, he wished to know how far such a measure would be agreeable to Ireland. As the present was not a day for the discussion of opinions, but a day for action, his Lordship said, he should enter into no argument about his private sentiments, either on this, or that topic. The business would not admit of delay. France and America were in confederacy, and Spain in arms against Great-Britain; he could not say whether Spain had signed a treaty with America or not. [Mr. Fox said, across the house, "the treaty between America and Spain is signed."] There was therefore not a moment to be lost. Government saw the necessity of being active, and he, for one, had not been idle a moment since the Spanish rescript was delivered. The doubling the militia, was found to be the most practicable mode of having a large army on foot in a short time, and therefore it was adopted in preference to receiving the offers made to government by several individuals; offers which did those individuals the highest honour, and which he was persuaded originated in the purest of all possible motives, that of a sincere love of their country, and an anxious zeal to serve it in the hour of difficulty. Government was much obliged to those who made the offer, and only declined accepting them, for the reasons he had stated.

Colonel *Barré* said, he was so depressed by the situation of affairs, so thunderstruck at the dangerous crisis in which we stood, that he had scarcely the faculty left, of discriminating what

was proper to be adopted at present from what was improper. He feared the practicability of officering the militia if they were doubled, and argued against sending a part of them to Ireland, or officering them with regulars. If the latter were practised, there was an end of the true constitution and original intention of the militia. With regard to sending them to Ireland, though he considered the interest of the two countries as one, he wished that the inhabitants of both should defend each man his *natale solum*, and asked why the Parliament of Ireland had not been convened, and whether there were not protestants enough to elect a militia of their own out of? He began an attack on the noble Lord in the blue ribbon, and said, even if it be proved that he was guilty of treachery and corruption, he would not be the first English minister that had been a traitor; that one had received three pensions from three kings at the same time. One from King James, a second from King William, and a third from a third monarch, he forgot who. He said the crimes of the noble Lord were black enough, before he had sunk into the deep damnation of incurring the Spanish war, to have warranted the suspicion of treachery. In the course of his speech the Colonel said, though the sovereign was blind to the misconduct of the ministry, his subjects would now soon have their eyes open to it, notwithstanding they had the writers in every London newspaper to support and defend them; for among other of their arts, they had taken care to make sure of all the London papers.

Lord *George Gordon* said, he never would support government, until the present ministers were turned out.

Mr. *Burke* said, he blamed ministry for their last act of negligence more than for all their former blunders, that of not having the squadron under Sir Charles Hardy at sea earlier; because if the grand fleet had been off Brest any time about the latter end of May, or the commencement of the present month, Sir Charles Hardy would have had it in his power to block up the French fleet under d'Orvilliers, or have fought the British fleet upon equal terms.

He reminded the noble Lord, that on that day three weeks he informed the House, that the court of Spain was at that instant an enemy, and an avowed one; that for some days before all mediation had been at an end; and that at the instant he was speaking that Spain was leagued with France, and that we would immediately have the whole force of the house of Bourbon to contend with, as every branch of that House was combined for our destruction. He argued against the

the absurdity of chusing to call forth that kind of soldier whose service could not be employed where it might be wanted, in preference to that sort of soldier not so circumstanced. Mr. Burke said he should oppose the motion.

Lord *John Cavendish* was not for trusting those ministers to play the kingdom's last stake who had reduced it to its last stake.

Colonel *Onslow* said, the great Duke of Marlborough had declared, that 50,000 men was a sufficient force to defend the kingdom against an invasion. He was for taking the half-pay officers into the militia.

Mr. *Sawbridge* said, the measure under consideration, however objectionable it might be, he should not oppose, because when any thing was offered on the express idea of its tending to strengthen the kingdom in times of great public danger, he should give it his support. He hoped however that the present ministers were not to continue in office, because he never could consent to trust those men with additional power and additional force who had already profusely wasted the blood and wealth of the nation, and whose weak politics and wicked practices had drawn on us that alarming load of calamity, which pressed upon this country at the present awful crisis. So far was he from thinking differently from his honourable friend who had before talked of the treachery, that he thought too highly of the noble Lord's sense to suppose, that those counsels and that adoption of measures which had induced our misfortunes, were imputable either to indolence, neglect, or incapacity. He should insult the noble Lord were he to declare, that any thing short of treachery, or something greater than incapacity could have been the acting cause to goad and stimulate the noble Lord to pursue that ruinous system, which he had at last brought to so fatal an issue, after having been so very often warned from that side of the House, of the impolicy of the measures he was pursuing, and advised, that nothing but a total change of system could produce better success and a better political prospect. For his part, he imputed all our present danger and difficulty to the noble Lord; for what had been the declaration of the noble Lord in that House some time since? "The ship was in a storm, and in a boisterous sea when I took the helm; give me your confidence and I will bring you safe into port." In consequence of this language, the noble Lord had been trusted, nor had he changed his stile still, by the pressure of additional ill success that followed every one of his weak measures, it was impossible for him to expect that any great reliance

liance would be no longer reposed in his talents as a state pilot, and then, with peculiar modesty, the noble Lord had said, "When you can find a man in the kingdom more able to conduct the affairs of government than I am, I shall be ready to resign, but till you can I shall continue in office." Mr. Sawbridge asked where was the man to be found who pretended to the smallest skill in finance or in politics, who was less capable of conducting the public affairs of a great people, than the noble Lord in the blue ribbon had proved himself? He for one, did not think that being existed. Having said this, he charged the noble Lord with having been the immediate cause of every one of our present political evils; it might, he owned, be remarked, that he spoke with great personal warmth; it was most true, and he begged to know if it were possible not to feel warmly at such a crisis? He had inherited from his ancestors, an estate which he had once hoped to be able to surrender, unimpaired at least, to his family and to his children. His fortune and his estate certainly, compared with those of many gentlemen in that House, were very inconsiderable. It was, however, as he before said his family estate, and he had a reasonable expectancy that as it came to him, it would have descended to his posterity. That expectancy could now no longer be depended on; a Frenchman or a Spaniard might be his heir; what was more, they might wrest it out of his hand, and he himself, with his family, might live to want that income which he hitherto enjoyed. After dwelling a little time on this point, he said, that much as it had been the practice of that House and of men at court, to deride and ridicule the citizens of London, and to turn a deaf ear to their complaints, he should nevertheless tell the noble Lord that he was going on the morrow to a meeting of the common council, where he knew it would be proposed to offer their lives and fortunes in the service of their country; but he did assure the noble Lord, though the offer would be very sincerely made, it would be made conditionally; not a shilling would be given, nor a single man voted, unless the noble Lord and his colleagues were dismissed from their employments, and the conduct of the war entrusted to abler hands. The citizens of London were now as loyal to their King, and as zealous to serve their county, as ever they had been, in moments of national emergency; they wished most anxiously to assist and support government against the united efforts of our natural enemies, France and Spain. They would willingly lay down their lives to repel and punish the hostile and invidious attacks of the House of Bourbon, al-

though they detested the American war, to forward which they would not give a shilling. Neither would they now, he could answer for it, by their persons or their purses, contribute to the exigencies of the war with France and Spain, unless the noble Lord in the blue ribbon (who had repeatedly slept in that House, and who seemed never to be rightly awake but when some lucrative reversion or some new emolument was to be disposed of; which he was as active as any man to grasp at for himself and family) was removed from the power of doing further mischief, and deprived of the opportunity of compleating the ruin of the kingdom, which if we were to judge from events, seemed to have been his favourite object ever since he came into that office, which he had so long held to his own great advantage certainly, but neither to the credit or the advantage of the kingdom.

Lord *North* rose, and apologized for speaking again; but something had dropped from the honourable gentleman who spoke last, which rendered it necessary that he should not let it go out of the House without saying a word or two respecting it. The honourable gentleman had thought proper to reiterate the charge made upon him some time before by another gentleman on the score of treachery and corruption; but neither of the honourable gentlemen had stated any facts, or mentioned any one circumstance that tended in the smallest degree to substantiate the charge, or to bring it home to any individual member of administration. The honourable gentleman who had spoken last had alledged, that the only ground on which he rested his suspicion of treachery, was—because that he and the other members of administration had acted contrary to the opinion of the gentlemen of the other side of the House. He begged, therefore, that it might be generally understood, that the charge of so foul a crime as that of being a traitor to the state, thrown out at random in so critical a conjuncture as the present, so far from having been attempted to be proved, rested altogether upon the inference deduced from administration's having pursued such measures as had not met with the support or applause of the honourable gentlemen and their friends. The moment he heard the charge, it struck him as a most serious one; that if there really was such a wretch in the cabinet councils of the kingdom as a traitor, those councils ought instantly to be purged of treachery and corruption; that therefore the charge should be fully investigated, and the person against whom it should lie, be dragged forth to public infamy, and in due time brought to condign punishment.

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With regard to what the honourable gentleman had been pleased to say of him personally, all he should reply was, that whenever it was thought necessary to examine into his conduct, he was ready to enter into the examination, and to answer for every piece of advice he had at any time taken the liberty of giving his Majesty, or of any one measure that he had supported. He desired, in the mean time, that it might be recollected, he never had pretended to be the prime minister, or what was generally termed the premier; he had only acted as one member of the cabinet; not that he said this by way of evasion, he meant to evade nothing but the charge of presumption of his being prime minister, a presumption which he had never assumed, and which therefore he ought not to be charged with: at the same time that he said this, he held himself answerable to his country for every part of his conduct; nor could he see any the least reason to dread an enquiry into it, when every measure that had been suggested in Parliament, and pursued by his Majesty's ministers, was an attempt to prevent the rebels in America from invading the just rights of this country: an attempt which three-fourths or at least two-thirds of the people both within doors and without had thought highly proper and strictly justifiable. [*A loud cry of No, no, no!*]

His Lordship said, it did not signify gentlemen's interrupting him in that manner; the fact was undeniably as he had stated it. The honourable gentleman had attacked him on his activity to acquire reversions and emoluments. In answer to this, he said it was a very natural thing for people without doors, and people who did not enquire into the truth of assertions thrown out in Parliament, to be led away with an idea that the repeated attacks made upon him on that score, were well founded. Let gentlemen, however, as he had been called upon to speak to the charge, only see the small degree of truth that belonged to it. He had been in a most laborious and very expensive office for twelve years, without asking for a single emolument, either for himself or his family; the last year his Majesty was graciously pleased to send for him, and present him with the place he then held, the wardenship of the Cinque Ports. He accepted it, but it was well known that he refused to accept it with the lucrative salary which the noble person who held it before him received while he held it; the salary which he received, and expressly at his own desire received, was that lower salary which had been paid previous to the office having been bestowed on his predecessor. He really did not know what the income of it was exactly, because he

had not enquired what it was, but he believed about a thousand a year. He had, however, told his Majesty that he was ready to resign it whenever he was called upon for that purpose, and that readiness he should still adhere to. Another charge of rapaciousness, which had been mentioned on a former occasion was, that he had procured a reversionship, for the lives of two of his sons, in the customs. The charge was not true that he sought the reversionship, though it was true that he had accepted it. Let gentlemen consider the nature of this reversionship; it was the very same that had been given to Mr. Pelham, on his first coming into government, and being appointed to the very office which he then held. It would be worth a thousand a year, and was granted on the lives of two of his younger sons. The third benefit his family had received, was a place which lately fell vacant, in the gift of the treasury, and was of so trifling a value, that several of his predecessors in office had thought it beneath the acceptance of any part of their family, because they looked much higher and to much greater emoluments. The place was worth 500l. a year; and as he thought it sufficient for his son, he had, with the consent of his brethren at the board, been appointed to it. This was all the benefit that he or his family had reaped, in consequence of his holding the office he then possessed. He repeated it, that he had not asked for, or sought after, any one of his emoluments; he was ready to resign his wardenship of the Cinque Ports; and when he went out of office (which he assured the honourable gentleman he was and had long been as desirous of quitting, as he could possibly be of having him dismissed) after his twelve years laborious service, his family would rest in possession of fifteen hundred a year. This every gentleman must know, however greater the merits of his predecessors in office might have been (and that they were much greater, no man was more ready to allow than himself) was infinitely, and out of all comparison, less than any one of them had received. He added, he hoped that gentlemen would not think he had shewn a very avaricious disposition, or had been eager to grasp at reversions or emoluments, as had been so often asserted, when it was recollected that the whole he was in possession of was fifteen hundred a year for his children, and that his was a pretty numerous family. [At these words his Lordship struck his breast, and burst out into a flood of tears, probably from the casual recollection that one of his sons lay dead at that moment. The House, touched at the circumstance, called for the question, but his Lordship recovering

himself, desired leave to go on.] He said that no part of his conduct, while he had been in office, warranted the charge of avarice; naked as he came into the world, naked he should go out of it: that he was not a rich man when he was first appointed chancellor of the exchequer, he should not go out of office a rich man; and he defied any one person to prove that he had, in the smallest instance, acted with a view to aggrandize himself or any that belonged to him, or that enriching himself, and those that belonged to him, had ever been his favourite object. He was as sorry for the critical conjuncture of affairs, as any one gentleman could be; but the misfortunes of the day were such as were not to be avoided; they did not originate in any fault of his, and he wished that gentlemen, instead of personality and invective, would unite in the service of the kingdom, and join hand and heart in endeavouring to render the insidious efforts of the house of Bourbon against this country nugatory, and to punish her for her perfidy.

Mr. *Conolly* mentioned the great poverty of Ireland, and appealed to the noble Lord, whether he had not in his pocket at that moment a paper which proved that the very money Ireland was now expending for the purposes of her establishment was, to the amount of five or eight hundred thousand pounds of it, raised by loan in this kingdom.

Mr. *Aubrey* said, that at a juncture so alarming and critical as the present, the question was not about any of the present opinions, the noble Lord in the blue ribbon had just told us he had of the state of America, or about any of his past attempts upon the rights of that country, but the question was, whether we should entrust our own rights, and every thing that was dear to us, to the care of that minister, whose conduct has brought us into this disgraceful and calamitous situation? That there might be different opinions concerning the original cause of this war, but there could, at that day, be but one concerning the consequences of it. That it was not the unanimity of the House, which the noble Lord had so much boasted of, it was not the voting the proposed addition to the militia, that would save this country, it was the ancient spirit of it, which must by some means be brought back again. That we must do away that supineness and that despair which the distressed state of public credit on the one hand, and the enormous expence of the government on the other, with the repeated disappointments of the nation, from the inefficacy of that expence, did but too well account for. That therefore, if we would really excite the exertions of the public,

it was necessary first to regain their confidence, for without that it required no great sagacity to foretell that this country was lost. It would soon become a province to our ancient rivals, the House of Bourbon.

Colonel *Barré* said he would not at present pursue what he had before said, in consequence of what had just passed. He rose merely to say a word or two by way of cautioning the noble Lord against hurrying the bill through Parliament with too much rapidity, and desired to know to what stage of it the noble Lord meant to proceed that evening, and how he meant to carry it on? The colonel said that the measure was of great magnitude; that it required discussion: • that since he spoke last he had conversed with several gentlemen on the two points which had been thrown out in the course of the debate, by some gentlemen, viz. that it would be right to give his Majesty power to send over part of the militia to Ireland, and by others, that it would be impossible to find officers for the militia when raised; and had been told that neither the one matter nor the other would be practicable. He therefore begged the noble Lord to pause a moment, and to consider whether it might not be more adviseable to accept the offers which he understood had been made by four different persons to raise regiments of regulars and assist government by their country interest; or whether it might not be adviseable to go only a part of the way, in which he understood the bill to be brought in was designed to go, and instead of doubling the whole militia, to raise only an additional number, and, if he might use the phrase, to over-soldier the present corps, by drafting off the men into twenties, and adding twenty to each company. The colonel said, on any other occasion he should object to the whole proposition; as matters stood it should have his support, though he thought it highly adviseable to carry it so into practice as to render it of real service and effect.

Lord *North*, in reply, said, that the measure was as he had stated it to be, a matter of expediency, and not a measure on which he chose to *opiniatre* in the least. That the motion was for leave to bring in a bill to augment the militia, and that the bill he should propose, only limited the augmentation, by stating that it should not exceed double the present number; it would remain for the House in the committee to adjust the number that the bill should warrant the calling out. He meant to have the bill read a first time that evening; a second time to-morrow, and then to move, that it be committed for the 23d.

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Mr. *Dempster* asked whether the fencibles could by law be marched out of Scotland; and was answered, that they could in time of actual invasion.

The question was then put, and carried unanimously.

June 22.

Sir *George Yonge* stated his objections to the bill as a project, not very practicable, and short of the end to answer which the bill had been avowedly brought in. Sir George said a few words in description of the extent of the danger of the present crisis, and in argument of the consequent necessity of taking such measures as should prove adequate to the exigency, and effectually conducive to the defence of the kingdom. In lieu of the present bill, he proposed arming the whole country as our ancestors had done on former occasions of public peril, and spoke of the manner in which such a measure could not only be carried into execution, but the effect also which such a plan, if reduced to practice, would most probably be attended with.

Sir *Charles Bunbury* declared he was encouraged to deliver his opinion on the important bill then under consideration (a bill which indicated the dangerous situation of the country at the present moment) from the favourable reception which that he had given early in the session, concerning the necessity of union, the expediency of employing the vigilant, active, and able, of whatever party or description, in the service of the state at this alarming crisis, had lately met with from gentlemen on both sides the House, whose influence with their Sovereign, and respectable talents, he flattered himself would enforce the doctrine he had earnestly, but in vain, recommended; and produce that unanimity, that zeal, and alacrity, which would actually arise from a confidence in those who administered the affairs of the state; without which confidence it was vain to hope for success against our formidable adversaries.

That as he placed his first hope in wise and active counsellors, so he still continued to place his second in the British navy, which he had been taught from his infancy, and confirmed by his experience, to look up to as the bulwark of this island. That he therefore reflected on the principle of this and other modern acts of Parliament with concern, as tending to augment our land rather than our sea forces. That the present bill implied a diffidence in our fleet, as it provided for an additional defence by land, to the great army we already possess, stated to amount to sixty three thousand effective men, and implied that this country was likely to become the

seat of war. That however proper it was, (which he allowed) to guard against every possible calamity, he thought the first object was the strengthening of our fleet, the augmenting of our force under Sir Charles Hardy's command. He understood there were seven or eight ships of the line almost ready for service. That if shipwrights were wanting to compleat them, he recommended sending carpenters from every town in England to assist in the dock-yards; that if seamen sufficient could not be procured to man them, he apprehended the present bill might be so modelled as to furnish a number of landmen, a certain proportion of which might be distributed amongst the different crews, a method adopted by this country in former wars, by our enemies in the present, and which the want of American seamen (18,000 of whom had assisted us in our last conflict with the house of Bourbon) rendered necessary at this juncture. He deemed it expedient to make our fleet as strong as our utmost exertions could effect, before we went forth to oppose the united fleets of France and Spain; that being so enforced, it was our advantage to combat the enemy on the ocean rather than on land; that our sailors were superior to theirs, whilst our raw troops on shore would, he feared, prove unequal, however brave, to the veteran battalions of France. He therefore lamented that our fleet had been weakened by recent detachments, ever since the intentions of Spain must have been foreseen by administration, which was the more extraordinary, as the reason alledged last year for not sending a reinforcement to Lord Howe, was the necessity of a home defence. He regretted the departure of Sir Edward Hughes for the East Indies, with seven sail of the line, notwithstanding he had made the important seizure of the unhealthy island of Goree, after it had been evacuated by the French. He hoped, however, since he was sent thither, he would have the speediest information of the Spanish war, that he might attack the Manillas. He lamented likewise, that Admiral Arburthnot was sent to America at this crisis, with several ships of force, and a number of transports, the seamen of which would have served to have manned the men of war now lying in harbour, and altogether have rendered the fleet under Sir Charles Hardy stronger by eighteen sail of the line, and thereby equal, or nearly so, in strength, if not in number, to the boasted navy of our adversaries.

To give it all possible strength, however, he recommended, that half of the men, viz. 15,000, proposed to be raised by ballot under the present act (which he considered as a land

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press of a milder, and therefore more eligible kind than that usually practised for raising seamen, as those who could afford it might buy off the service by finding a substitute, and the poorer sort had notice, and some time to settle their domestic concerns before their departure, should serve on board the fleet; and the other fifteen thousand, instead of being formed into regiments, as proposed, with new officers, who wanting themselves to be disciplined, would be very unequal, however zealous, to discipline the common men, should be incorporated in the regiments of their respective counties, making the companies to consist of one hundred men each, instead of their present number, and adding one inferior officer to each company, by the promotion of the present ensign to a second lieutenancy, and that of an expert serjeant in each corps, to be chosen by the commanding officer, to the ensigncy, by which means the new men might be trained very expeditiously, whereas by the mode proposed of new regiments, it would be impossible for them to be of any service during the ensuing summer, at which time their service would be required.

General *Burgoyne*, in a short speech, mentioned a variety of military topics, in order to shew that it would be better to raise new corps, than to encrease the militia. The General particularly recommended exertion, spirit, and vigour, and advised the calling out the yeomanry, on whom, he said more dependence was to be placed in a certain state of national defence, than on any other order of people.

Earl *Nugent* exhorted every Gentleman to give his sentiments on the subject. His Lordship said the danger was great and it was right that it should be known; but that, there nevertheless was no reason to despair. Our fleets and armies were powerful, and to be depended upon. The proper way was to ascertain the degree of danger, and to prepare with vigour to face it, and not only to act defensively but offensively, for a war of the former kind would be fruitless; nay, it would be worse, it would end in ruin. He asserted that the danger of the crisis was unparalleled. That in the time of the paltry rebellion in Scotland, it was nothing to what it was now. That at present, he believed, we stood alone; that we had no foreign alliances; he declared to God he knew not why we had not! The powers of Europe were infatuated. If they continued with their arms across, and saw this country ruined, they must be out of their senses. That their ruin would follow ours. That Holland, Portugal, and Russia, ought to interfere; the two former were under great obligations

tions to this country; we had formerly rescued them from destruction; if they continued to look on, and to see the glory of this nation swallowed up in the vortex of French and Spanish ambition, they would inevitably suffer for their ingratitude; for as the ambition of the House of Bourbon had no bounds, it would extend to them next. He said farther, that though we had no foreign ally, we had the best of all allies, unanimity at home. We were allied among ourselves; the alliance lately entered into by the Gentlemen on the other side of the House, and those on which he stood, did the former the highest honour. With uninanimity we were equal to any efforts. He hoped therefore to hear no more of conditional offers of assistance to government, as he had last night heard of from the city of London. What! not unite in defending ourselves! To make conditions at such a moment was little short of joining the enemy. All men's interests were concerned in the present danger, and that description of men who refused to come forward and lend their aid, not only proved themselves adverse to their country, but adverse to themselves; if ruin ensued they must take the consequence. His Lordship said, he hoped soon to hear of such meetings as had formerly been held in times of danger; Lords Lieutenants of counties convening all their district to attend, and each man contributing towards the common defence, according to his ability, some finding men, others money, others horses, and so on. Let Gentlemen look back to history, and see the great exertions of this country in a moment of danger. All professions had united to shoulder the musket, and fight in defence of the kingdom. The archbishop of York had raised an army, and headed seven regiments of Yorkshiremen; seven of the finest regiments he understood that were ever seen. A chief justice of the King's Bench had turned out at the head of the lawyers to fight *pro aris et focis*. The church and the law might do the same again. [Colonel Barré said, "No, no, in God's name let's have no more lawyers conducting our politics, either civil or military."] His Lordship went on to state that we had our advantages in the war; that Spain and France were both vulnerable; the former mortally vulnerable in many parts. Spain might be conquered by her own doctrines. She might be deeply wounded in South America. Let us go and preach up independence there; not only preach it up, but assist South America in the obtainment of it. We might do every thing with unanimity and exertion. He spoke his real sentiments; he had no connexion

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or interest but the common good in a moment like the present; he was under no obligation to his noble friend near him, that should induce him to speak in a manner foreign from his real thoughts. He had never asked nor received a favour from the noble Lord in the blue ribbon. He was a man when the noble Lord was a boy. The noble Lord was now a man, and he was sinking into his second childhood. Sinking as he was into the vale of years, he hoped to live to see his country conquer her foes, and regain her glory. His Lordship was proceeding to state some plan of operations for the navy, when

The *Attorney General* rose, and begged to prevent the noble Lord's zeal from carrying him too far, by moving that the question might be read. He said, gentlemen would certainly act laudably, in suggesting any scheme of defence of the kingdom that had reference to the question; but on that day it would be improper to go into other topics of deliberation, and perhaps to go into such a detail as the noble Lord was proceeding to enter upon, might be dangerous.

Sir *George Savile* urged more than one proposition which he thought worthy adoption as matters then stood. He advised to take off the press altogether, and recall every press gang; to invite the hard-faced masters of trading vessels to come with their ships into the service. To arm their ships and station them close round the coasts.

Mr. *Gilbert* suggested the idea of every nobleman and gentleman sending one or more of their servants, according to their estates and fortunes, with a horse, or horses, to a person appointed in each county to register them. The servants so sent, to be armed at the expence of government, but maintained, as long as they continued in the county in which their master resided, at his expence, afterwards half at his expence and half at the expence of government. Such servants, he thought, might be taught their exercise, and disciplined, so as to be of essential service in driving in cattle and forage, as occasion might require.

Mr. *Richard Whitworth* asked who were to officer such troops of servants, and what sort of discipline they'd observe? He recommended erecting beacons immediately round the coast, and teaching people to prepare for an invasion. He also advised every gentleman to direct each of his tenants to provide one man, and arm him, in order to have an immediate local defence throughout the country.

Mr. *Byng* very sensibly argued the impolicy of raw men being commanded by raw officers, and said, he had left the army

army some years, and never thought to have troubled himself about military affairs again. He professed his zeal to serve his country, but declared, that though he was willing to draw his sword to fight for the defence of the kingdom, he had no hopes of success while the present ministers had the conduct of the war.

Mr. *Fox* said, he had no intention to rise that day; but what he had lately heard from a noble Lord and a learned gentleman over the way, rendered it highly necessary that he should say a few words, and first he would pay his respects to the learned gentleman, who had not only interrupted the noble Lord in the midst of his speech, but had declared, that on a day like the present, when that House were considering the best means of defending the kingdom from the imminent peril in which it stood, gentlemen were not to deliberate and weigh every circumstance, not only of the danger itself, but every circumstance in the scope of possibility and human prudence, at all likely to avert that danger. This doctrine he thought had been lately exploded, and he little expected to have heard Parliament told, (on a day like that, when if they were not actually sitting in a committee of supply, they were sitting in a something very like a committee of supply, because they were debating a proposition which, however effectual it might prove, and however practicable it might turn out, would certainly, and at all events, be a great national burthen, as well in point of inconvenience as in point of expence) "that they were to confine themselves to the question, and that the question was merely whether the bill upon the table should be read a second time or not." In a moment like the present, every thing which every man could suggest for the better defence of the kingdom was worth listening to; the country stood in need of all its resources, and all its wisdom, and however the learned gentleman might wish to screen the guilt of his friends, and therefore might think proper to interrupt the noble Lord when he was speaking plain truths, gentlemen would not be thus rendered dumb, opinions he trusted would be freely given, and as the present administration were the immediate cause of all our misfortunes, he hoped that no gentleman would keep back his sentiments respecting their conduct. Having said thus much, he would now speak to that point which principally occasioned his rising that day, and that was, his finding, from what the noble Lord had said, that his having voted the preceding evening in favour of the bill had been much misunderstood. He had been far from meaning to have it conceived that he thought, and far indeed from conceiving

conceiving himself, that the mode of raising the force of the country, held out and proposed by the bill, was preferable to that of raising regiments agreeable to the handsome offers of noblemen and others, which had been made to government. He had not said a syllable which led to such an idea, and the reason why he had not, was, because he entertained no such opinion. The offers that had been made by the Duke of Rutland, the earl of Derby, the Earl of Harrington, and others, were so liberal, and upon such advantageous terms to the public, that it was impossible to impute the refusal of them on the part of government to any thing else than the remains of that miserable partiality to the Scotch which had so long disgraced this country. Last year, when Scotch noblemen offered to raise regiments, the offers were greedily accepted, and warmly encouraged; the public were even put to the expence of levy money on the occasion. The conduct of government had been very different now; there was a motive, indeed, to which he could impute their resusal in one instance, and that was the finger of persecution was pointed at one of the noble lords who was among those that made the offer. That persecution was aimed at his whole family, and had been instanced on more than one occasion. [The House pretty generally calling upon Mr. Fox to name the person alluded to] He said he would speak out, he alluded to the Earl of Derby, who, on account of his unfortunate family connexion (unfortunate merely in that point of view, but highly honourable in itself, because every man in the kingdom would have been happy to have been allied to General Burgoyne) was proscribed, and was never to be forgiven; by never to be forgiven he meant, as long as the present administration had any power. To shew that he was warranted in asserting that the present ministry were determined to persecute the noble Earl and his family, he mentioned their having three separate times refused the noble Earl's brother the lieutenant colonelcy of the Liverpool regiment; a situation and sort of rank which he had a right to expect, especially in the last instance that occurred of a vacancy, because he was then the oldest major in the corps. How different was the conduct of ministers respecting the Scotch new raised regiments? The Scotch lords who raised them were suffered to appoint their own officers, and the ministers never once interfered in the appointments! he said it was this sort of treatment of noblemen and gentlemen of the most respectable characters, that gave such disgust, and made the noble Lord in the blue ribbon so odious in the eyes of the nation. He declared, that neither now, nor before, was he inclined

inclined to give the preference to the mode of raising the militia as offered by the bill then under consideration: but there was a point of infinitely more consequence, a point the noble Lord who spoke a short time since, had grossly mis-stated, to which it was highly necessary that he should give the most flat and peremptory denial.

The noble Lord, after owning that we had no foreign alliances, had triumphantly spoken of unanimity, and congratulated gentlemen on that side of the House, upon having allied themselves with those who sat on the other. This was an assertion for which there was not the smallest foundation, and it was impossible for him to state, in any phrase that language would admit of, the shock he felt when the noble Lord ventured to suggest, what was most exceedingly grating to his ears, and he doubted not to those of every one gentleman who sat near him. What! enter into an alliance with those very ministers who had betrayed their country; who had prostituted the public strength, who had prostituted the public wealth, who had prostituted what was still more valuable, the glory of the nation! The idea was too monstrous to be admitted for a moment. Gentlemen must have foregone their principles, and have given up their honour, before they could have approached the threshold of an alliance so abominable, so scandalous, and so disgraceful! Did the noble Lord think it possible that he could ally himself with those ministers who had led us on from one degree of wretchedness to another, till at length they had brought us to the extreme moment of peril, the extreme verge of destruction! Ally himself with those ministers who had lost America, ruined Ireland, thrown Scotland into tumult, and put the very existence of Great Britain to the hazard! ally himself with those ministers who had, as they now confessed, foreseen the Spanish war, the fatal mischief which goaded us to destruction, and yet had, from time to time, told Parliament that a Spanish war was not to be feared! ally himself with those ministers, who, knowing of the prospect of a Spanish war, had taken no sort of pains to prepare for it! ally himself with those ministers who had, when they knew of a Spanish war, declared in Parliament no longer ago than last Tuesday, that it was right for Parliament to be prorogued, for that no Spanish war was to be dreaded, and yet had come down two days afterwards with the Spanish rescript! ally himself with those ministers, who knowing of a Spanish war, and knowing that they had not more than thirty sail of the line ready to send out with Sir Charles Hardy, had sent out

Admiral

Admiral Arbuthnot to America with seven sail of the line, and a large body of troops on board! ally himself with those ministers, who knowing of a Spanish war, had suffered seven ships of the line lately to sail to the East-Indies, though two or three ships were all that were wanted for that service, and the rest might have staid at home to reinforce the great fleet of England! ally himself with those ministers, who knowing of a Spanish war, and knowing that the united fleets of the House of Bourbon, consisted of at least forty, perhaps fifty, and possibly sixty sail of the line, had suffered Sir Charles to sail on Wednesday last, the day before the Spanish rescript was, as they knew, to be delivered, with not thirty sail of the line, although if he had staid a week longer, he might have been reinforced with five or six, or, as ministry themselves said, seven or eight more capital ships! to ally himself with men capable of such conduct, would be to ally himself to disgrace and ruin; he begged, therefore, for himself and for his friends, to disclaim any such alliance; and he declared he was the rather inclined to disavow such a connection, because from the past conduct of ministers he was warranted to declare and to maintain, that such an alliance would be something worse than an alliance with France and Spain; it would be an alliance with those who pretended to be the friends of Great Britain, but who were, in fact and in truth, her worst enemies.

Having urged this in a most vehement and impassioned tone, Mr. Fox declared, that he should support the present bill, or rather he should not oppose it, because, in the situation that affairs then stood, every measure which tended to call out the strength of the country was proper. He could not however but own, it was a measure of a more spirited nature than he ever thought the present ministry would have proposed, because after their repeated assertions that the country was in no danger, that Spain meant to stand neuter, and that a war with the united forces of the House of Bourbon was not to be dreaded, he did not think any men had arrived at such an uncommon pitch of assurance, as to have stood up themselves and propose a measure which gave the lie direct to all they had been saying during the whole sessions of Parliament. At the same time however he declared he should vote for the bill, he meant not to give the ministers the least grounds for supposing that he placed any confidence in them, or had the least hope of success or good to the country from any thing they could possibly do for it. He owned himself to be completely despondent, and though there was the utmost unanimity in

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the gentlemen who acted with him, it was not the sort of unanimity the noble Lord had alluded to; it was unanimity to exert every nerve, and to touch upon every string likely to contribute, in any manner whatever, to rescue the country from that peril in which the ministers had involved it, but it was not an unanimity which rested upon confidence in administration, or the least expectation of success from their measures. The zeal therefore of his friends in the cause of their country, was the more eminent, because they offered their lives and fortunes even under those men whom they could not trust, and under whom, officers of such exalted character, and such eminent military talents, as Admiral Keppel and Lord Howe, declared they could not, consistent with their honour, serve. The noble Lord, who spoke some time since, had said we had no foreign alliances, and had declared to God he knew not why. This was a severe charge upon the noble Lord in the blue ribbon, and his colleagues, for what was it but confessing that we were deserted and abandoned by all Europe, and by implication, declaring, that the conduct of ministers must have been unaccountably bad, to have occasioned an event not to be imagined possible to have happened. He, however, would tell the noble Lord why we had no foreign alliances. All Europe saw the wretched and disgraceful state into which ministers had plunged us, and could it be expected that any court in their senses would ally themselves with misery and ruin? The noble Lord, however, had forgot that we had allies in Germany. The Landgrave of Hesse and the Duke of Brunswick were our allies. Let gentlemen look at that part of the conduct of ministers. They had bound us down by treaty to assist and support both or either of those princes whenever they were attacked. The faith of the nation was now pledged for this, and in case of a rupture between the courts of Hesse or Brunswick, and any other power, in case of a war being lit up in Germany in the progress of our present contest, (no very improbable circumstance) what must be the consequence? The faith of this nation must be broken, for it would be morally impossible for us to adhere to the treaty. This was one among many of the precious consequences that had attended our eagerness to enter upon the cursed American war, our haste to cut the throats and pick the pockets of our brethren across the Atlantic.

He took notice of the assertion of his honourable friend [Mr. Townshend] the preceding day, relative to the treachery and corruption which had been stated to prevail in the cabinet.

net. Though he had no proof of such a charge, this he would however say, that the noble Lord in the blue ribbon must certainly have sold his own opinion, and adopted that of other men, or he never could have acted in the manner he had done. He verily believed what he now said, and added, that it was perfectly indifferent to him whether the noble Lord had sold his opinion to the king of France for French gold, or whether he had sold it to any other person, or disposed of it to his colleagues in office for their fine words, and their promises of honour and emolument. It was impossible it could be otherwise; it was impossible that men notorious for their being men of sense, of judgment, of acknowledged talents, should pursue a line of conduct so opposite to sense, so grossly weak, ignorant, and absurd. The noble Lord in the blue ribbon had great natural abilities, those abilities had been matured and improved by an excellent education; he had in that House given repeated instances of his talents; he had charmed frequent audiences with his wit, his humour, and his reasoning; how then was the opposition between his language and his conduct to be reconciled? it was true indeed that speaking and doing were distinct and very different things, but let gentlemen look at the conduct of the ministry as private men. Had they let their own estates go to ruin? Had they given any signs of personal neglect, or inattention to their own interests?—quite the contrary. They had taken good care of their wealth, they had increased their riches.

He concluded with repeating, that though he voted for the bill, he did not mean it to be understood as a token of his preferring the raising the militia to raising new regiments, agreeable to the offers of the two noble Dukes and noble Earls. That he had not the least confidence in the present ministers, and that so far from being ready to enter into an alliance with them, he thought they merited punishment; and although there were among them individuals for whom he had the highest personal respect, yet he thought their official conduct collectively so infamous, and so prejudicial to the interests of their country, that were the times ripe for bringing them to punishment, he would join most heartily in supporting the measure.

The *Attorney General* said he was a little amazed at hearing what the honourable gentleman who spoke last had thought proper to throw out, on the subject of his having interrupted a noble Lord, by moving that the question should be read; he had imagined what he had before said would have sufficiently explained that matter. He had been far from sug-

gesting that Parliament had not a right to deliberate upon every circumstance, likely to contribute in any possible degree to the defence of the kingdom, while the present bill was under consideration; the noble Lord was proceeding to touch upon a topic, which, however proper it might be to deliberate upon it on a future occasion, certainly had no reference whatever to the present bill; he therefore wished to prevent the noble Lord from going into foreign matter, and having no choice of carrying his wishes into execution, was obliged to have recourse to the only possible method, that of rising to speak to order, and desiring that the question might be read. When he had done so, he had apologized to the noble Lord, and he had not sat down till he had conceived it was generally understood that his explanation was sufficient. The real business of that day was to discuss how far it was adviseable to call out the national force, and in what manner such a measure could be most effectually carried into execution. The topic was of the first importance, and could not be too amply deliberated, it were therefore to be wished exceedingly, that every gentleman who had thought at all upon the subject, would fairly and fully open his mind to the House, that Government might profit by the wisdom of Parliament, and adopt that line of conduct, which, upon the maturest consideration and the closest reasoning, should appear to be the most likely to prove successful when carried into practice. The situation of affairs was certainly of great crisis and great difficulty. For which reason, it was in his opinion right to tell the people of their danger; but not to state it in the language of fear or the language of despair; he thanked God there was no occasion for either. It would be wise, however, to lay the real situation of the country before the people at large, to state the extent of the danger, and the degree of the force this country had to oppose to it. France and Spain were combined against us, every man therefore would admit that we were on the eve of a war with those two powers. An invasion was talked of and possibly might be attempted; the question that naturally arose on these facts was, what force had this country to enable her to repel such an attack, should the enemy think proper to put it in practice? The answer was obvious, we had a powerful fleet at sea, under Sir Charles Hardy, and that fleet would speedily be reinforced with several additional ships of considerable strength. We had in the country itself an effective army of 63,000 men. Add to this, we had resources yet untried, and which would doubtless prove

prove of the most important avail, should the crisis be pushed to such extremity, as to render the calling them forth necessary. In order to put our security out of doubt, the King's servants had thought it matter of policy to bring in the present bill for augmenting the militia, and they had the rather adopted that mode for the sake of the equality with which the burthen would fall on the shoulders of the public, and the speedy manner in which the forces might be raised upon emergency. This was the real picture of our affairs, the true amount of our danger, and the degree of our power of defence and resistance. Let it be known to the public, and what man in the kingdom possessed of a mind tolerably constant and firm would be dismayed?

With regard to what the honourable gentleman had said respecting the regiments which had been offered to be raised by the noble personages to whom the honourable gentleman had alluded, he was very far from understanding that government either had received the offers with coldness, or had rejected those offers. On the contrary he had conceived, though he did not pretend to be in the secrets of Government, that Government thought the offers exceedingly handsome; that they entertained the warmest sentiments of the noblemindedness of those who made them, and meant to advantage the public by carrying them into effect in proper time. The offer in particular made by the Duke of Rutland was talked of by every person whom he had met and conversed with on the subject, as one of the most liberal and fair that ever was heard of. The noble Duke had made it in a manner perfectly free from any suspicion of a desire to build rank in the service upon it, to advantage friends or any other interested purpose whatever; in short, in a manner not only perfectly unobjectionable, but in every point of view laudable in the highest degree. The other offers, though handsome, were not quite so advantageous and eligible; he understood, however, that they were to be accepted, and he would tell the House why. He had, that very day, in an accidental conversation with a person high in office, who was most likely to know; in short, with Lord Amherst, the commander in chief, mentioned these offers, and asked the noble Lord if they were to be accepted? The noble Lord had answered him very frankly, and after passing a great eulogium on the public spirit of those who made the offers, had declared that in his opinion they ought to be accepted. He made no scruple to mention this, because the noble Lord had prescribed no se-

crecy to him on the subject, and as he was a person who had no right to expect an answer, if his question to the noble Lord had been improper, he did not presume that it was any breach of confidence in him to have stated what he knew on the subject, and by what means he acquired his knowledge respecting it. After speaking to this point, he went on to give the House information relative to what the honourable gentleman had said on the subject of Lord Derby's brother, Major Stanley, being refused the lieutenant colonelcy of the Liverpool Blues, premising that he confined himself merely to the last time that situation and rank were vacant. He said it then happened, that the oldest major in America, Major Humphries came over with dispatches from Sir Henry Clinton. Major Humphries, was a very old officer, and from being in the army all his life, and chiefly on service abroad, he believed he was almost the only person who was honoured with his friendship, and to whom he paid any visits when he came over to this country; of this he was certain, Major Humphries was without interest or patronage, and had nothing but his distinguished character as a brave and judicious officer to recommend him. On the vacancy happening, the commander in chief turned to the list of Majors, and observing that the name of Major Humphries stood at the head of it, he, without any other recommendation than his own knowledge of his long and good services, filled up the commission with Major Humphries's name, so that when the Major came to present his recommendations from Sir Henry Clinton (which were such as did the Major the highest honour) he found himself already promoted to the lieutenant colonelcy of the Liverpool Blues. There could therefore be no intended injustice to Major Stanley, nor had there been, as he had stated, the least improper influence exerted to procure Major Humphries the appointment. It was idle at all times to talk of birth and alliance, especially in the military profession, where bravery and conduct were the chief requisites; but possibly the House might not be displeased to hear that Major Humphries, the officer in question, was the grandson of General Webb, an officer of very exalted character, who had distinguished a long life of service, by a series of most gallant actions, not the least gallant of which was, his having, at the head of *six thousand* British forces, totally defeated *eighteen thousand* French. There might be gentlemen then present, old enough to remember General Webb's having received the thanks of both Houses of Parliament for this piece of service. Major Humphries was that brave Gene-

ral's grandson, had been all his life in the army, had behaved at Bunker's Hill, and on a variety of occasions, with the utmost gallantry, and was a captain at the very time that the Early of Derby's brother, Major Stanley, of whose merits and abilities he had not the least doubt, was a school-boy.

Having explained this matter, he took notice of the various assertions which Mr. Fox had given, as reasons for his disdaining to ally himself with the present administration, and said those very reasons operated on his mind in a different way; it was *because* the King's servants had acted in the very sort of manner which the honourable Gentleman thought so highly reprehensible, that he was of opinion they had acted wisely, and that they deserved the applause of their country. By way of supporting this, he declared, that if ministry had not sent a detachment of the fleet to America under Admiral Arbuthnot, and if they had not sent another detachment under Admiral Hughes to the East Indies, they would have acted like downright ideots, and would have properly become the derision of Europe, and have deserved the execration of their country. He must be a miserable politician indeed, who imagined that the war would be ended by any battles fought here, even should an invasion take place. The contest could not be brought to an issue in this island; and that minister who, by keeping all the sea and land force of the country at home, would invite our foes to collect the whole of their strength, and direct it against England, must be the weakest man that ever fancied himself a politician. Wisdom and common sense shewed the propriety of drawing off the attention of our enemies from this country, and of making such diversions as should necessarily divide their force, and increase the objects of their operations. Though Pondicherry was taken by us, he hoped that would not be the only blow we should strike in the East Indies; he expected to hear that the capture of Pondicherry was merely the first of a series of operations against France in that quarter of the globe, which would prove of the happiest consequence to Great Britain. In the West Indies also, and in America, our enemies were vulnerable, and it would have been madness not to have endeavoured to attack them in their weak parts. With regard to Sir Charles Hardy's being sent to sea, the honourable Gentleman had stated that his fleet was inferior to that of France and Spain; the honourable Gentleman could bring no proof that the fleets of the house of Bourbon were joined; neither could he ascertain their strength! Of this he was certain,

ministers had acted wisely in sending out Sir Charles Hardy, as they had done; his fleet, even if it were inferior in point of number to that of France, was considerably more in force; because the majority of our ships were large ships, and ships admirably equipped. The fleet of France consisted of ships of less weight of metal; add to this, seven or eight more capital ships would soon be ready to sail and reinforce Sir Charles Hardy. But even admitting, for a moment, that the fleet of England met those of the house of Bourbon, and in action, from the latter's superiority, they had the best on it; from the geographical situation of our island, the English fleet would have our own coasts to retire to. The fate of this country was far from depending on the event of a single battle, as had been suggested. The danger, therefore, though great, was of that nature only which called for exertion, and not which justified despondency.

The honourable Gentleman had adverted to some expressions which came from one of the honourable Gentleman's friends the preceding day, and which were, that there was *treachery* and *corruption* in some one person in the cabinet, but whom was not described, neither was it said of what degree or sort the treachery in question was The honourable Gentleman had this day thought proper to take new ground, and, by a strange extension of the term *treachery* (which he had always understood, in a political construction, to imply *treason*) had charged the noble Lord in the blue ribbon, as well as his colleagues, with having *sold* their opinions. The charge was perfectly new to him, nor could he possibly discover to whom the ministry could have *sold* their opinions, or for what consideration. He trusted, however, that the honourable Gentleman's dogmatising in this particular, and taking upon him to pronounce decisively upon the spring of action, which operated in the noble Lord's mind, would not pass for argument, notwithstanding that it might serve for the moment to amuse the honourable Gentleman and those of his friends who seemed so highly pleased with the expression. The honourable Gentleman had talked a good deal about alliances, and had on that circumstance thrown out much invective against the ministers, as if it were in their power to oblige foreign courts to enter into alliances with Great Britain, whether they were so disposed or not. Before Gentlemen gave way to any idea of the ministers being to blame in this respect, it would not be improper for them to consider a little of the nature of alliances between great states, upon what they were generally founded,

founded, and with what views each contracting party agreed to them. It would, he presumed, be pretty universally admitted that the basis of all political alliances was a reciprocal advantage, which was expected to be the consequence. It naturally followed, therefore, that no state would enter into an alliance with another unless it stood in need of some assistance, which the other had it in its power to afford. If Gentlemen would consider our present situation, and would look round to the situation of other courts in Europe, they would see that the necessity was solely on our side, and therefore it was not at all to be wondered at, that other courts were not much inclined to enter into alliance with us. The court of Russia, for instance, had made up her quarrel with the Turk, and was at ease. The King of Prussia and the Emperor were no longer at war. Portugal and Holland, though certainly we had, in former times, afforded both those states most essential assistance, had no present motive to induce them immediately to enter into an alliance with us.

In this part the Attorney General took a review of the various alliances which Great Britain had entered into with various powers at various periods, remarking how our allies at one time had become our foes at another, and deducing from the whole of what he said, that all alliances were governed by time and circumstances, and that however necessary it might be to preserve the balance of power in Europe, and for that reason, however much the interest of other courts to prevent two great states from attacking and swallowing up a third; that their intervention was not to be expected at the first prospect of the object, though it might be the case when the matter became more serious, and the consequence from being nearer, rendered the whole of the business more alarming.

The honourable Gentleman had, in one part of his speech, very fairly called upon those who thought the noble Lord in the blue ribbon capable of conducting the war, to say so, declaring, in the most direct and earnest terms, that no man dared avow such an opinion. It might be thought, from the office which he held, and which, in some sort, connected him with administration, that he was a biassed man. He begged leave, however, to declare, that he was perfectly independent. That he had no obligation of any kind to the noble Lord. He had never asked for any favour, he had never received any favour, neither was it in the noble Lord's power to do him a favour. With regard to his professional situation, any little emolument that he might be supposed to derive from that, he did assure the House was totally beneath his consideration,

when he was either to act or speak upon any point whatever. If he differed in sentiments, upon any topic, with the noble Lord, and found those sentiments opposed, without having reason to think that they were ill-founded, he should certainly give up his situation directly, but not give up his sentiments; and he should do so on the ground that if there was any difference between him and Government, it was his duty to withdraw, and not to embarrass those who were to conduct the affairs of Government. He added, that he really had not *sold* his opinion, and what he was about to say were his genuine sentiments. He knew the noble Lord well, and it was from that knowledge, that, although he would not flatter the noble Lord so far as to declare he thought him the most able Minister that either ever was, or ever might be appointed to the high office he held, he was ready to pronounce him, in his opinion, a minister of very great ability, and whose talents were indispensably necessary to the conduct of the affairs of this country in the present crisis. There was nothing wanting but ability and exertion to steer the ship through the storm in which the vessel now rode. The noble Lord has as much ability as most men, and he would take upon him to say, that the noble Lord would prosecute the important business of the nation, with that exertion and that vigour, which was indispensably necessary. He was the less scrupulous in giving this opinion, because he had long observed, that whenever any Gentleman, let him stand on which side the House he would, was asked who he thought the most capable man in the kingdom to be the minister? after naming the particular person on whom he happened to have fixed as the chief object of his admiration, the noble Lord in the blue ribbon was uniformly mentioned as the person the next in point of ability.

In answer to what Mr. Fox had said relative to the ministry's having driven Admiral Keppel and Lord Howe out of the service, he lamented exceedingly that any misunderstanding between those officers and the King's servants had prevailed, much more that it had arisen to such a height, as to have deprived their country of their service. When, however, he considered the very critical situation of affairs, that it was no longer a war for dominion, but a war for existence, he did not doubt but those gallant officers, impelled by that true sense of honour, which was the distinguishing characteristic of the military profession, and preferring the safety of the kingdom to every personal consideration, would forget any feeling of neglect, of supposed injury, and—not of disgrace certainly, for disgrace did not belong to such men, and was a

word which ought not to be mentioned at the same time with their names;—but of any unpleasant sort, and would throw aside all frivolous punctilios, and not only deign to accept fresh employment, but step forward and claim their right of having a share in the defence of their country.

He concluded with recommending the present bill, as a bill highly expedient to be passed into a law, although the measure it tended to authorise, might not be either immediately or eventually necessary to be carried into execution.

Lord *North*. I am much indebted to my learned friend, the Attorney General, near me, for the very favourable sentiments he has this day expressed of my public services, much more, I fear, than I have any pretensions to. On that subject he has, perhaps, spoke with the partiality of a friend; on others, he has, I presume, given his opinion without any such bias. But how much soever I may be obliged to the learned Gentleman, I cannot help rising on the present occasion, earnestly wishing to vindicate my character against the general and specific accusation made by the honourable Gentleman over the way, (Mr. Fox) and likewise to assure that honourable Gentleman, that my present situation, sentiments, and intentions, will not permit me to accept of those friendly dispositions which he has been so kind as to mix with the general charges. I allude to the admonitions he has given to me for the regulation of my future political conduct. His charges being general and unqualified, deserve some answer. He has stated them with his usual ability. He has pressed them with his wonted eloquence. However unequal I may be to the honourable Gentleman in these two respects, I must not, therefore, decline the vindication of my character, if I am conscious the justice of my cause will bear me out. Without that support, I am convinced of my own inability; with that support, I have nothing to fear from the honourable Gentleman's eloquence and ingenuity.

The honourable Gentleman has travelled through the whole of my ministerial conduct, and candidly imputes all the neglects and blunders of administration, as he calls them, to me. By his account I have enough of my own to answer for, without being compelled to bear the blame due to others: but I will tell that Gentleman, that I do not mean to fly from that state of responsibility attached to my office, nor from the general responsibility which I am bound to with others, as one of his Majesty's confidential servants. If the honourable Gentleman, which his speech would indicate, supposes me to be first, or *sole Minister*, I do assure him he is mistaken. I know of no such

such minister in this country, and do therefore hope the honourable Gentleman will consider me in two lights, namely, as acting at the head of a very important department, where I acknowledge I am solely answerable for whatever is transacted, and as acting in concert with others in his Majesty's confidential councils.

The honourable Gentleman has gone a great way back, no less than to the whole of my conduct since I got connected with the Board at which I have, at present, the honour to preside. I found the affairs of this country in great confusion, and the nation in a ferment (alluding to the affair of the Middlesex election.) I took a share in Government when embarrassed by a strong factious opposition, whom I thought, as I do still, acted upon mistaken or wrong motives. I assisted in maintaining Government, and if the clamours current at that time were not silenced, they were rendered ineffectual to answer the purposes for which they were raised.

The great and glorious victories of the late war, and our confessed and decided superiority on the ocean, created us many enemies, and an alarm in the other powers of Europe, and, if not enmity, at least coolness. France and Spain, suffering under the disgrace of successive defeats, were mortified and filled with resentments, and looking forward to retaliation. The eyes of the rest of Europe were drawn from the usual object of their jealousy, the house of Bourbon, thus fallen and humbled, towards our growing greatness. The system of Europe, at the time, admitted of no continental alliances, for to what end could they have been directed? The powers of the North were friendly inclined, and nothing, at that period, gave any reason to counteract any probable or possible measures which might be entered into by the house of Bourbon.

Such was the state and disposition of Europe when America unjustly, and without provocation, resisted the constitutional claims of this country, and refused to pay that obedience which it was bound to render upon every principle of justice; nay, I might go farther, and add, upon every motive of interest and advantage.

Under the circumstances I have described, we were obliged to enter into a contest with our rebellious subjects. I shall neither take blame to myself, nor impute any to others; but before we had it in our power to enforce legal government, France, contrary to every assurance, and every principle of justice and good faith, traitorously interfered in the internal government of the British empire, and had the insolence, not only

only to prescribe the conduct we should observe towards our own subjects; but, by declaring the colonies independent, endeavoured to sever a third part of the empire, and wrest it out of our hands.

The honourable Gentleman says, why not resign at this, why not resign at that, why not resign at another period? I will tell the honourable Gentleman why I neither did, nor could resign. I was always determined never to resign as long as his Majesty thought fit to accept of my poor services, and till I could do it with honour. Could I have resigned with honour when America first resisted; I answer no. Could I have resigned with honour in the prosecution of the American war, while the event of that war was yet depending? No. Could I have resigned with honour when France interfered, and acknowledged American independency? Most certainly not. And ought I to resign at this period, or could I do it with honour to myself, or discharge my duty to my country, now that we have the united force of the House of Bourbon to contend with? I am persuaded I could not. My language has always been uniformly the same, never to resign, till a fit person was found to succeed me. I have not heard that person yet pointed out, nor do I know him. I am well convinced, that many persons of abilities, infinitely superior to mine, could be found. I know no man more fit, in some respects, than the honourable Gentleman himself; but his abilities, as far as they respect me, are out of the present question. He and his friends think diffirently from me on matters of very essential importance. I hope I have as great a reverence for the constitution as that Gentleman; but his ideas are not perhaps exactly consonant to mine on that subject. I am for supporting the just and constitutional prerogatives of the crown, and the rights of parliament, according to the best of my own judgment; and upon those opinions I must continue to act, and can never consequently consent to call any set of men, be they whom they may, as far as my feeble voice can reach, of whose political doctrines I do not approve. The good of my country, and of my own honour, therefore, will not permit me to follow the honourable Gentleman's advice, and subcribe to his opinion, that this is the proper time for me to resign.

The honourable Gentleman, after reprobating the whole of my public conduct, is pleased to hold out several strong inducements to me to retire from public business. He offers me a full indemnity for all my past crimes and transgressions,

as

as a public man: for which I am greatly indebted to him, though, unfortunately, I cannot, or will not follow the advice thus given.

He desires me to retire with the *plunder* I have amassed. [Mr. Fox. Not *plunder*, but *fortune*.] He says, in order to save his country, in which my resignation is included, that he would consent to let me, though a state criminal, escape with impunity; but he has coupled this very *generous* offer with a threat. He added, if I should not retire after this wholesome and friendly warning, that I must expect, in case of future disasters, to be brought to public judgment, and to exemplary and condign punishment.

The honourable Gentleman's advice is *generous* and *friendly*; his threat is accompanied with openness, and is candid and manly. He has given me my option, and he will permit me to take it. But, in the first place, as I am conscious of no crime, I cannot, from any motive of common sense or common prudence, accept of the proffered indemnity: neither can I, from the same resaon, fear a public trial, or the consequence of guilt, the threatened punishment denounced, in order to terrify me into a resignation.

On the contrary, there is nothing at a proper time I more ardently desire than a public trial; nor any thing I less fear than public punishment. I have been publicly accused in this House, in the face of the nation: justice requires that I should be indulged with an opportunity of exculpating myself. I shall insist upon the exercise of that justice: I hope I shall not be refused: I shall and must be tried, be the event of the present measures what they may. So that however well intended the honourable Gentleman's offer may have been, his favour of indemnity and impunity would amount to actual punishment, and his threats of future trial would be to me the greatest favour it is in his power to confer.

The honourable Gentleman has, indeed, held me forth in a new point of view this day. He presumes that France, Spain, and I, are the only foes this country has at present to combat. The people of America are our stedfast friends, and were I removed from my present situation, a perfect unanimity, he says, would take place immediately, and every heart and hand in the kingdom would instantly unite in the common defence, and in inflicting that species of chastisement on the whole House of Bourbon, which it has so justly merited, for its perfidious and ambitious conduct.

I wish

I wish I was as well convinced of the truth of his opinion as the honourable Gentleman. I do assure him, if I was, the former power and glory of this country would be soon restored, and upon terms which would appear to me extremely cheap: I mean, my immediate resignation, and the consequent welfare and prosperity of my country. Nay, I would make real sacrifices, in order to procure so desireable an event, I would instantly apply for banishment, and while I lamented, or rather felt, in some unguarded moment for my immediate situation, I would be a thousand times over *repaid* in the luxurious reflection, that by my proscription I had purchased the salvation of my country, and restored it once more to its former state and dignity.

However, to return to the mere matter of resignation, I beg leave to impress these facts on the honourable Gentleman. It is well known that I accepted of my present situation with great reluctance; that I have remained in it much against my own judgment and liking; that I feel in the same manner at the instant I am speaking, and when the period arrives, that I can resign with honour to myself, and consistent with the duty I owe to my sovereign and my country, I shall quit my present office with singular satisfaction.

The honourable Gentleman has spoken of the fortune which he presumes I have amassed since my entering into office. I thought it was *plundered*; but I beg the honourable Gentleman's pardon, for he has explained it otherwise. Another honourable Gentleman, over the way, said yesterday evening in debate, that the British cabinet had been *bought* and *sold*; so far as the charge applies to pecuniary matters, a very few words will, I trust, satisfy the House.

When I came into office my private fortune was not very considerable; and I can affirm, be it what it might then, whenever I quit my present situation, now or at any future period, I shall not be richer; that, I presume, if my assertion gains credit, is a full answer to the amassing a fortune; so far as the charge may be supposed to affect or be applicable to me, of the British cabinet having been bought and sold.

The honourable Gentleman has laboured a great deal to shew how culpable ministers have been for not securing *alliances* on the continent; for my part, as applicable to our insular situation, and the general state of Europe, I was not able to perceive, that any eligible alliance presented itself in Europe, but one with Russia, and if matters had not suddenly presented an unexpected appearance, an alliance of that kind might

might probably have taken place. The situation of affairs was this: an armistice, or truce, had taken place between Russia and the Porte. While the final settlement of the respective claims of the two courts was depending, it was the *interest* of Russia to stand *well* with the court of London; on account of Great Britain having it in her power to give her succour and protection in the Mediterranean. In this state of affairs the French minister at Constantinople was fixed upon as the common mediator between the negociating powers. The consequence of this mediation between the Porte and the Court of Petersburgh was a final adjustment of all their differences. The Court of Petersburgh, having no farther point to carry in the Mediterranean, had no motives to enter into an alliance with the Court of Great Britain, which might again, perhaps, from secret engagements between France and the Porte, involve her in another war with the last mentioned power.

I have only one word more to add, and that is respecting the distribution of our force. The honourable Gentleman has condemned in the lump and detail. I do not pretend to oppose my opinion to that of professional men, but as far as I am able to determine, it appears to me, uninstructed and uninformed as I am, that neglecting our distant dependencies would amount to a surrender of all our distant possessions. The clear consequence of which must be, that of our being shut up in this island, merely to resist conquest and foreign dominion. I presume no honourable Gentleman present would wish to risque every thing upon so hazardous an event: it can therefore, in my apprehension, require very little argument to prove, that we should not, in the early stages of a trying contest, adopt measures, which, if proper in any exigency, ought not to be resorted to only in the very last extremity.

His Lordship pursued this argument for some time; said, that the land force, militia and regulars, was equal to the defence of the island; and instead of despondency, that our force in America, should France and Spain endeavour to preserve a superiority in Europe, held out fair prospects of success; if not, that we should be able to spare sufficient detachments, to secure an equality, if not a superiority, in that part of the world.

The bill was read a second time, and committed for next day.

June

June 23.

In committee on the militia bill; Lord Clive in the chair.

From the time the committee was formed, till seven o'clock, no specific proposition was made for filling up the blank in the bill. The House seemed to be divided into three descriptions; one were for adopting Lord North's plan, that of doubling the militia; another for a mixed scheme, that of raising distinct corps; and the third for trusting entirely to the calling out the country, and accepting of the offers of the noblemen and gentlemen, and of making no addition to the militia.

The Speaker, Sir George Savile, Mr. Jenkinson, and Lord Nugent, seemed to disapprove of doubling the militia, or indeed of augmenting the militia force by ballot at all. Several of the country gentlemen were for adopting a mixed system, half by ballot, and half by distinct or voluntary corps; others were for all volunteer corps and regiments: in short, among at least forty members, who took a part in the debate, there did not seem two exactly of the same opinion.

Mr. *Powys* said, that, though he had several objections to the bill, yet he should vote for it; because he would not suffer it to be conceived, that in a moment when government had declared the kingdom to be in extreme danger, he was unwilling to agree to any measure proposed, with a view to call forth the strength of the country, and add to its defence. In the course of his speech he shed tears, on the misfortunes of his country. He offered his services, both of person and fortune, in any manner or in any capacity, that should be most likely to conduce to the important point then under consideration. He asked the ministry what he should say to his tenants and neighbours, when he went down into the country, and urged them to take up arms to defend the kingdom from the imminent peril which threatened it? They would naturally say—Imminent peril! impossible;—You told us in parliament, three weeks since, that there was no danger. If he mentioned to them the Spanish war, they would be still more amazed, and say,—that it was the but last week that ministers declared Spain would not join with France in the present quarrel. If they asked whether the ministers, who brought us into our present troubles, had offered the crown assistance of any kind, either by contributing money, or raising men, what must he reply? In point of truth, he could only say, not one of them has made the least offer of any kind. They have, indeed, brought a bill into parliament, which is a burthen to the

the whole nation, but which will not affect them in the least. If they then said, Has any body offered government assistance? He must answer—Yes, several of the factious noblemen, whom ministers have declared to have been the cause of all the mischiefs, have made the most handsome offers!

The *Speaker* said, that having been concerned, as an officer of the crown, upon the execution of a former militia act, he could not but express his fears, that the same or worse consequences would attend this bill. The former act was opposed with great violence; there were insurrections of the people against it. As attorney-general, he was employed to prosecute some of them. He feared this attempt to double the militia would be opposed with greater violence; and that the insurrections would be many, if not general. He recommended to ministers to turn their attention to the navy, as more important.

Mr. *Brett* advised speedy measures. The French and Spanish fleets, he said, had joined, and might be with us the first westerly wind.

Mr. *Grenville* thought, if the men were wanted to be raised immediately, they ought to be chosen by ballot, and then placed among the regulars, as recruits; this would be making them soldiers in the shortest time.

Mr. *Aubrey* spoke in favour of raising the proposed additional force by voluntary aid, rather than any compulsory means: and was strongly against augmenting the militia by having recourse to a new ballot; as, he said, speaking, as he did, from the knowledge only he had of the country where he lived, and where he had acted some time, both as deputy lieutenant and a magistrate, he was persuaded the raising of any additional number of men, by any coercive measure whatever, whether by ballot or by assessment, would be attended not only with great inconvenience and prejudice to the business of the hay and corn harvest, as well as to the other various sorts of work, so peculiar to the country in the summer time, but that it would be put into practice with the greatest difficulty. The knowledge, he said, the honourable Gentleman who had just spoke [Mr. Grenville] had of the county he alluded to, was, he was sure, very great; and that his opinion, upon all occasions, and particularly upon the present, had much weight with him; but that he could assure the honourable Gentleman, that that part of the world where they both lived, so very severely felt the loss of hands, already taken out of it by the late militia ballot, that if there were

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to be so soon again a fresh ballot, he doubted whether it might not be found necessary to employ a greater number of troops to get the act executed than that intended to be raised by the act itself.

Lord *Frederick Campbell* was of the same opinion as the Speaker.

Lord *Beauchamp* proposed to insert a clause for raising volunteer companies. [This clause now forms the whole act; all the rest being rejected by the Lords].

Governor *Pownall.* The committee have, if I am to be guided by the nature of the debate, and the sentiments I have heard, two points under their consideration. The one is that of the bill now committed, which purports the raising, as soon as possible, on the present urgent occasion, an additional militia, by doubling the present number.—The other is that of gentlemen, who, from an experience of several defects in the present plan of militia, have thrown out their ideas on the subject of forming this country into some permanent form of defence, equivalent to its power, and adequate to the occasion which may call for it. On the first head I shall say very little; as I think the forming of the measure, and the offering it to Parliament, is the duty and the business of ministry; and more especially so, as they will now meet with no opposition, but, on the contrary, with assistance. Gentlemen on all sides have said so, at least. I will therefore suppose, that the plan which is proposed, and which is now under consideration, will be received and adopted. On the other, which looks forward to future, and very serious, occasions, gentlemen, from every quarter of the House, and of every description, have thrown out their ideas and plans of a national force, all formed on speculation and theory—plans, which they think might do. Will the committee permit me to lay before them, not any speculation or theory, but the plan and system of a militia in actual existence, in actual operation, an effective one, and which has produced the effect which we are looking to; I mean the plan of the New-England militia; a militia which has not only resisted an invasion, but, sorry I am to add, in proof, has taken prisoners the army which invaded it. It is a melancholy proof to us; but it is a strong one in the argument of its real efficiency. The plan derives from this principle, that every individual, without distinction, is bound, in time of impending danger, to bear arms in defence of his country. And the national militia stands framed on this establishment—that, in the time of

vasion, insurrection, rebellion, or alarm, every one is subject to the pains and penalties of martial law. The inhabitants of the country are, by their parishes and districts, divided into local companies and regiments. By a law of the country, made at the beginning of last war, every man was obliged, according to this distribution, to attach himself to the military company of the district within which he resided. On this first ground of the plan, the province which I had the honour to command consisted, last war, of 48,000 men, all by law bound to be furnished with arms and ammunition. This included every individual, without distinction. Out of this a part, by law, others by various excuses, were excused from common training, and were only to turn out upon an alarm of an invasion, insurrection, or rebellion. The part of these 48,000 men, which were constantly to exercise, were included in the training list, and were 27,000 men.* This part of the militia I understand as a kind of picquet of the whole (as our standing militia is) out of the list in case of actual war. Those during the last war were 7000 men each year. The method of raising these, was by a distribution of a specific number out of each regiment and company; if the number allotted to each regiment or company was not raised, by recruits or volunteers, on a day fixed, I, as governor, by a power with which the province, in their confidence, entrusted me, under law; a power which the King has not here; was impowered to send my order to the colonel of the regiment which had not compleated the number allotted for his regiment to raise, to draught the remainder, and to send them to the place of rendezvous, and these men, thus draughted, were the yeomanry of the province, or the sons of such, all freeholders. If there was any threatened danger of an invasion, then the then training list were to attend their respective regiments and companies, and to take the field. If an actual invasion took place, so that an enemy was within the province, then the whole alarm list were to turn out, and were, as I said before, under martial law; that is, every man, without distinction, even the clergy. And these were the kind of troops, which, upon a British army's attempting to penetrate into their country, surrounded and took that British army. If this country does really see their danger, and, believing it to be actual, is in earnest to form an efficient na-

* The precise number was 27,605.

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tional defence, one that will be real, and stand them in stead, let them not run after theories and speculation. This is a plan existing in fact, and whose effect we know by woeful experiment. If I should once see the national force formed into such a militia, of which I would consider the present militia regiments as the picquet, or minute-men, I should not suffer myself to entertain those fears which some gentlemen have expressed, even if the French had forced their way through our marine force, and were actually landed. If the militia of a little province could resist, and even take prisoner, the disciplined army of a great and powerful nation, why ought not we to hope that a British militia would, in the like case, resist, and even take prisoner, any French army that should presume to invade this country? I trust they would. But some gentlemen have said, we ought to give our first attention to the manning our marine. This system of militia, properly applied, is the best adapted to this end and purpose. Let the picquet, or minute-men, of the companies of the coast towns and ports be draughted for the navy, in case of an invasion, or other like imminent danger; here you would have a great and proper source of men, fit for, and effective to, such service. It was by these means that I was enabled to send three or four hundred men to his Majesty's fleet in America last war, to Sir Charles Saunders in particular; for which service I received the thanks of the commanders, and had the honour to receive, through Mr. Secretary Pitt, the approbation of my late royal master. The like measures might be taken, in the like circumstances, in this country. The method of draughting men for the common soldiers in the militia, by law, in this country, is partial, at least, if not unjust; and no wonder we have heard, and do hear, of the danger of resistance to this measure, and of insurrections in opposition to it. For the poor man alone, who cannot find, or afford to pay for, a substitute, must turn into the ranks, under military discipline. Let every man without distinction, the rich as well as the poor; nay, rather the rich than the poor, stand forth. The man of property has something worth his defending and fighting for; but how is the poor man individually interested? The lot here is unequal, and the measure must be forced into execution by coercion. Let the man of property stand in the ranks by the side of the poor man, and the poor man will fight by his side. Let this equal plan of a general militia be once adopted; let every man, each in the parish where he lives, be attached to his respective company; and let every such man be mustered on

the alarm list: when I say this, I speak as I would be ready to act; though, as I have said, that I had, in America, the command of a militia of 48,000 men, I am here in this country ready to turn into the ranks of a like militia on a like occasion, as a private. If men of fortune feel a reluctance to rank with the common peasant, let them form themselves into separate companies attached to the several regiments, and thus formed take the lead in service, and set the example to the common battalion companies. A militia thus once established would form a permanent effective national defence. If you are in earnest, think something of this, and for the immediate exigency of the present emergent occasion, as I think the ministry should form and propose the plan and measure, and as I find such a one as this committee (whatever may be the opinion of several individuals) does mean generally to concur in, I think we should proceed with that, if nothing better can be proposed.

Mr. *Combe* thought the deputy-lieutenants would not find much difficulty in raising the men, according to the bill.

However, the House seemed to be against doubling the militia. Lord North gave way, and Sir Grey Cooper proposed to fill up the blank with the words, "not exceeding 15,424 men."

This gave occasion for another debate. The gentlemen who opposed the augmentation contended, that the voluntary corps and new regiments would fully, and much more effectually, answer the purposes of the bill.

Sir *Grey Cooper*, after some debate, observed, that because it was said that no more than 15,000 militia should be ballotted for, it would follow, that so many would be really ballotted for, was not at all conclusive; for it might happen, that perhaps no more than a fourth might be wanted.

It was then proposed, that the blank be filled up with a fourth part of the number. This was opposed by the *Lord Advocate of Scotland*, who called upon the minister to exert himself. He observed, that inattention and neglect had been often imputed to him by his adversaries, but now, if he permitted himself to be over-ruled, contrary to his own judgment, (alluding to the clause of Lord Beauchamp) his friends, as well as his opponents, would have too much reason to agree in the the truth of the charge. He said the blank ought to be filled up according to the noble Lord's original ideas.

Lord *North* said, that he would recommend to his honourable friend (Sir Grey Cooper) to withdraw his motion for filling

filling up the blank. He said, that the words not more than double, according to his motion, no more described thirty than fifteen, or seven thousand; that if the force wanted was procured by independent corps, companies, or new regiments, the end would be answered; he therefore recommended, that the power of balloting for the whole number should be retained; it might be exercised if necessary, and if not, it would not be carried into execution. It was at length carried, and the blank was filled up about nine o'clock, with the words not exceeding double the number of the present militia.

From thence till twelve o'clock, there were several debates upon clauses offered, and words in clauses which were adopted. The following are the outlines of the bill, as it came out of the committee,

That the lieutenant of every county shall have power to grant commissions to persons raising companies, which companies shall be attached to the militia regiments of each respective county, city, or place.

That any person raising two companies in the same manner shall be advanced to the rank of major.

And that any person raising three companies shall be advanced to the rank of lieutenant-colonel.

That every company in the battalions already raised, and every additional company of attached corps, shall consist of no less than eighty men, nor more than one hundred, and that to every such company there be appointed an additional lieutenant.

The the present act do continue in force for eighteen months from the date of its being enacted into a law, and no longer. [It is to continue in force until the first of December 1782, and no longer.]

At twenty minutes after twelve o'clock the House was resumed, when the attorney-general, Mr. *Wedderburne*, unexpectedly moved for leave to bring in a bill for taking away all legal exemptions of different descriptions of seamen, seafaring persons, and watermen, and their apprentices, for a limited time; and for suspending, by an *ex post facto* law, the right of sueing out a writ of *Habeas Corpus*, for any breach of those exemptions, which may have been, or shall be committed, from the 17th of June instant to the first of November 1779. He introduced his motion with stating the imminent risque and danger this nation stood in, in respect of an invasion, meditating now by the combined for

of France and Spain, and said, that we were most particularly called upon at such a crisis, to make not only the utmost efforts in our power, but at the same time to remove all legal impediments, which may stand in the way of calling every man to the aid of the state; to hold out encouragements to some, to compel others, and to inforce the assistance of every man, in some shape or other.

He next observed, that the navy was our great national bulwark, but that several impediments stood in the way, to prevent it from being much more effectual and complete, should they be removed; that the *crisis* was now arrived, which called for the removal of those impediments, *pro tempore*. Sir Charles Hardy's squadron was inferior to the services expected from it; the truth was, ships were ready, but there was a considerable deficiency of seamen to man them. He understood, if a supply could be obtained, that there were six or eight ships of the line more ready to receive their complements aboard, which, in the present exigency of affairs, would be a very seasonable reinforcement to Sir Charles Hardy, and would, by every thing he could understand, enable that officer to face, with a fair prospect of success, the common enemy, and restore once more the British flag to its wonted superiority and splendor.

Having explained his principle, and pointed to his object, he proceeded to state the impediments which stood in the way of an effectual sea-press.

The first statute, now in force, which created an exemption, was the 2d of Anne, chapter 6. He did not know but this act, in operation of law, may have ceased; but it provides, that parishes may bind out poor boys apprentices to masters of merchantmen, who shall be protected from impressing, for the first three years; and if they are impressed afterwards, the masters shall be allowed their wages.

The seamen employed aboard ships fishing in the northern seas, and on the coast of Greenland, were protected, and an exemption created in their favour, in order to encourage that fishery.

All foreigners serving aboard British merchantmen, privateers, &c. are likewise exempted, by statute, from the powers of the impress.

So are all apprentices bound to watermen on the river Thames; all men after a certain age; all persons serving the London market with certain species of fish. Besides these exemptions, created by statute, discretionary powers, were vested

in

in the admiralty-board, to grant special protections to seamen, to prevent them from being impressed in certain circumstances. See the statute of 7 and 8 William III. 2 Anne 4 and 5 ditto, and 1 George II.

The object then being an immediate and effectual supply of seamen, and persons used to the sea, and working upon rivers, &c. several of whom were exempted in the manner now stated, those exclusions, exemptions, and protections, extending to a very considerable number of persons, the question was plain and simple: Will you let those impediments stand in the way, trust the fate of the nation to an inferiority at sea, and commit the existence of this country to meeting the enemy on shore? Or will you not rather employ the power within your reach, and, by suspending those laws, in the present exigencies, meet your enemies on our proper element, the sea, upon an equality? His proposition would, he said, be formed on the latter idea. He would first move, "for leave to bring in a bill for the more speedy and effectual manning his Majesty's navy;" he would propose, if his ideas should meet with the approbation of the House, to move for its first and second reading that night, to have it committed for the next day, and to move for the suspension of the different laws which enacted those exemptions, for six months, or till the first of November, at which time he presumed Parliament would be sitting.

He should have apologized for making a motion of such consequence at so late an hour, and in so thin a House, when many of the members were gone home, not expecting that any matter of importance would be agitated. The argument, he confessed, was strong; but he was free to declare, that he postponed his motion on purpose: he deferred it to a late hour, in expectation that no notice of any such measure would get out; the press would be more effectual; for he doubted much, if it were publicly known the next day, that the great object of the bill would be in a great measure defeated.

In the course of his speech, he observed, that no such law as the present would have been necessary, if the same precaution had been taken, as in the exemption created by the 2d of the present King, which contains a proviso, except in case of an expected or actual invasion, or rebellion; and it afforded him great satisfaction, that the principle of all legislation being the public safety, and the public safety calling for the aid of every seaman, sea-faring-person, &c.

there was no peculiar hardship inflicted on the present occasion; and if the same care had been taken in all the preceding acts as in that of the second of the King already mentioned, there would not have remained even a colour of complaint.

He begged leave to add a word or two on the legal commencement of the intended law. His Majesty's servants had felt our public situation, the emergency of it in point of defence? and having so felt, had not been unmindful of their duty, or of the safety of the state. They had already issued orders for a most vigorous and effectual impress, of all useful hands, without any regard to the laws in being. What then would be the consequence if the bill should not commence till after it should receive the royal assent? These two things of course; that when the persons so exempted by law were brought before the regulating captain, upon proof made that they came within the descriptions of the several acts alluded to, the regulating captain would be obliged instantly to discharge them, and every man of them would be entitled to maintain an action for false imprisonment. Nay, a worse consequence would happen; every person so protected would be at liberty to sue out a writ of habeas corpus, who had or should be pressed before the passing of the present act. To obviate these several inconveniences, particularly that of permitting those already pressed from suing out writs of habeas corpus, he proposed that the act should commence from the day of the delivery of the Spanish manifesto (viz. 16th of June) and should remain in force till the 1st of November next.

He concluded by moving, "for leave to bring in a bill for removing certain difficulties, with respect to the speedy and effectual manning of his Majesty's navy, for a time to be limited."

Sir *George Savile* said, he by no means approved of the bill, much less of the manner it was brought forward. For his part, he was astonished that the learned gentleman was not ashamed to avow the reason he had assigned, that of concealment, and reducing that House to act as so many midnight conspirators; who, under the colour of devising measures for public preservation and national safety, had every appearance of plotting, in the dark at midnight, its destruction, coming like so many hired ruffians, with weapons concealed under their cloaks, to bury their poniards in its very bowels.

Such an act might be very necessary; he had many reasons to believe not to the extent contended for; but why bring it forward

forward at this dark and silent hour? Why not propose it early in the day, in a full House?

The reason assigned for this assassin mode of conducting public business was, to the last degree, unfounded and dissatisfactory, "lest the public should be apprized of it." Has not the learned gentleman already told us, that the bill is to act retrospectively? That it is to commence on that melancholy, I fear, fatal day, on which the Spanish minister delivered the manifesto now on the table. Has not he farther informed us, that the ministry have not been unmindful of their duty, for they have exceeded all their former attacks on the constitution of their country? They have trampled on the laws, and have found an advocate to defend their conduct in the person of the learned gentleman who has made this extraordinary motion, in this very extraordinary manner. Is, then, the learned gentleman's love of his country not satisfied with the injuries inflicted on the most deserving part of the community, by robbing them of that protection which the laws have given to them, and by breaking the national faith, which is the great pledge and security to every Englishman for their due performance? Would the learned gentleman not let one father, one husband, one brother, or one child escape, in this general scene of oppression and injustice? Methinks I hear the heartfelt shrieks of the miserable wife this instant piercing my ears, and entreating, in accents of rage and despair, the midnight ruffian not to drag from her side her tender and affectionate husband, the father of her children, and her only support! I think I hear the aged and helpless parent, in accents of sinking woe, misery, and distress, bewailing the loss of his dutiful and beloved son! I confess I am filled with horror at the various ills and miseries this instant inflicting in every part of these kingdoms, contrary to every principle of law, justice, and humanity: but the learned gentleman has a stomach for all this, and much more; for he says, he has stood up at this midnight hour to propose a law, which, if proposed in open day, in a full House, might, perhaps, have this one consequence, that of procuring, for the persons to be effected by it, that personal security, by flight and concealment, which the laws of their country, and the assurance of public faith always supposed to accompany them, have been inadequate to. He then spoke to the indecency, as well as cruelty and injustice of the measure; and was astonished how the learned gentleman could hold such a language, as that any necessity almost could justify ministers, or their friends, in taking the House by surprise, and urge that as a reason for doing so, which was, upon every idea of parliamentary proceeding,

proceeding, the most cogent to prove how improper it was; namely, a midnight hour and a thin House.

The *Attorney General* defended the act upon the ground of necessity, and the emergency of the moment. The laws alluded to were not meant to be repealed, but merely suspended. If the necessary complement could be procured, the operation of the law would necessarily cease; and at most, when others were procured to supply their places, those pressed under the act now proposed would be at liberty, as soon as the former laws would again begin to operate, which would be in November.

He was not convinced that the caution taken by him was improper or ill founded; particularly with respect to the distant ports; for the difference of a day might, and he believed would, tend to defeat the effectual purposes meant to be secured by the bill.

The hardships stated by the honourable gentleman were painted very strongly indeed: he felt them as much as the honourable gentleman, but he looked upon them to be unavoidable; the distresses or miseries of a few ought not to be permitted to controul the safety and preservation of the state; they grew out of the public misfortunes of the time. Much was to be sacrificed, and much borne; the object we had to contend for was great and extensive. It was no less than to fight for our all, for our properties, and liberties, the overthrow of which would be attempted by a foreign foe; and though the sufferings so pathetically described by the honourable gentleman were yet greater than he painted them, what was borne, and what might be lost, ought to be fairly balanced against each other. The predicted sufferings would be only temporary, for a few months probably. On the other hand, if the services of such men were withheld at this important, nay, this tremendous crisis, perpetual misery and perpetual slavery might prove the alternative: so that if the temporary inconveniences were fairly weighed against the possible, perhaps the probable consequences, it would fairly present this alternative to the British seaman: shall I submit to the latter for a short period, or shall I entail upon myself and my posterity perpetual bondage? And while the honourable gentleman conceived such painful ideas of horror at the scenes which he presumed were then passing, he desired him to reflect, the suffering parties would have one consolation to oppose to their present miseries, that of transmitting to their children and grand-children, that constitution, and those liberties, for which they had sacrificed the temporary enjoyment of domestic felicity, to defend and maintain.

Nothing

Nothing could be farther from his thoughts than the interpretation put upon his conduct by the honourable gentleman. He had too great an attachment and reverence for that House to offer any proposition to its consideration upon motives not founded in the highest respect. He threw out his ideas only from the reasons already assigned, those of secrecy and effectual dispatch; and in whatever form his motion might reach the House when fully attended the next day, on the first or second reading, or in the committee, for that would lie in the breast of the House, it would appear to those inclined to judge candidly, that the proposition was only thrown out for the mature and ultimate consideration of as full a House as could be expected at this late period of the session.

It was a season of difficulty and real danger; the measure was evidently a measure not of choice but necessity. When it was therefore described as unconstitutional and illegal, he was ready to grant the truth of the position in one point of view, provided that in turn it was acknowledged to have been solely adopted to protect from annihilation, that constitution and those laws which it was supposed to entrench upon. Besides, he was astonished to hear this argument so warmly urged, when the honourable gentleman could not forget that the committee which just rose had been almost ten hours engaged in framing a bill for arming thirty thousand men by a compulsive law; for he believed, that men ballotted into the militia, were as much pressed into the service as if no such ballot had taken place. The truth was, the service of every individual was due to the state, and in times of real exigence must be enforced: in fine, individual aid constituted the general defence, and general protection and security was the return made for the assistance, individually and collectively given to the state, in order to procure the general security and protection.

Sir *Philip Jennings Clerke* said, that it was shameful to conduct the public affairs of a great nation in such a pitiful, sneaking, treacherous manner. It was worse than breaking into a house at the dead of night, in order to rifle it, and in case of resistance, to pre-determine to commit murder. Why not do it in the open day, and in the face of the nation; and not come like assassins at midnight, to perpetrate their plans of blood and rapine? No men were more fully protected by law, in their property and persons, than the unhappy victims devoted to slavery by the present bill. The exemptions they enjoyed in their persons from an impress, were as sacred, as defined, and inviolate, as those that any other man, or any man in that House, or out of it, enjoyed or possessed, in his life, property, or estate; and yet, attend to the great object of the present bill.

bill. What is it? to legalize acts of outrage, oppression, and injustice, which are not to be committed, for that is not the jut of the bill, but that have been already committed, in defiance of the laws, of public faith, and of the most solemn sanction of acts of every branch of the legislature, plighted in full parliament.

Sir *George Savile* rose next, and made a short reply. Since no motives were sufficient to prevent administration from rushing blindly on to such notorious acts of cruelty and injustice, he conjured the friends of the present motion to look seriously forward to the consequences. A bill had just passed a committee of the House for impowering government to compel the service of thirty thousand men, to become soldiers, contrary to their dispositions and habits of life; another bill, just on the heels of it, is proposed, to compel the service of men protected and exempted from it by the laws of their country. Nay, farther, their services are compelled while under that protection. The militia was bad enough, but there the complaint could not be general; those ballotted might complain of the hardship, but not of the injustice; but here the hardship was great, and the injustice infinitely greater; because it applied generally and individually to whole classes of men, without exception, and took from them, without any imputed crime, what at the time they were in legal possession of, namely, the freedom of their persons, in respect of the impress laws. He most sincerely lamented the fate of his country, and wished to avert its approaching destruction, for he confessed he saw nothing in either measure, but the seeds of revolt and insurrection: one third of the force of the kingdom to be employed in quelling and subduing another third; and the remaining part, only, to face the united force of a most formidable and inveterate enemy.

The *Solicitor General* observed, that an honourable gentleman who spoke last [Sir P. J. Clerke] had made use of some extraordinary expressions. He imputed to me, that I introduced this bill into the House in a scandalous, sneaking manner, and used words still more unbecoming. I should be glad that the honourable gentleman would explain what he means by using such reproachful terms; for I do assure the honourable gentleman, that I will not put up with such language, or suffer it to pass unnoticed.

Mr. *Dempster* said, common forms must sometimes be dispensed with. He had himself, that morning, seconded a motion which superseded two of the East India company's *bye*-laws, in order to obtain so well-timed and necessary a measure,

sure, as that of procuring the assistance of the company at the present criſis. The company had voted large and extenſive bounties, by way of encouragement, and three line of battle ships. Now if the bye-laws had been ſtrictly abided by, time would be loſt, and a difference of opinion might have arose. On the other hand, by diſpenſing with them, unanimity and diſpatch were both effected, and Europe will perceive, that union, in this country, implies ſtrength; and that, when united, we have nothing to fear from the utmoſt efforts of our enemies.

He confeſſed, that he would have been better pleaſed, that the propoſition had been earlier made, and in a fuller Houſe. He could not ſpeak to the propriety of the meaſure itſelf; if the men were wanted, they muſt be had; but the Houſe ought to be firſt ſatisfied, that no other means would anſwer the ſame purpoſe, on the preſent occaſion; or whether men might not be procured in ſufficient numbers by the uſual mode of preſſing; or whether the very great number of protections granted by the board of admiralty at pleaſure, and not ſupported by any exiſting law, might not be called in.

Harſh means ſhould never be reſorted to, but when nothing ſhort of them could effect the purpoſe. But as it was upon unanimity alone our ſalvation depended, he ſhould be ſorry to hear any farther objections ſtated, as they would come much more properly in the committee than at that late hour of the night, uninformed as the Houſe was upon the ſubject.

Sir *Philip Jennings Clerke* roſe to explain. He ſaid none of the expreſſions he made uſe of were intended to be perſonally applied to the learned gentleman who made the motion; but he preſumed that it was not the learned gentleman who was the original deviſer of it, though he might have been intruſted with the drawing up and framing of it. On that preſumption, therefore, he was at liberty to repeat his former expreſſions, that the whole had a moſt pitiful, ſneaking, cowardly, and treacherous appearance; that it was illegal and unjuſt, and militated againſt every principle of conſtitutional legiſlation.

Sir *Grey Cooper* replied to the two laſt ſpeakers; ſaid, if there had not been omiſſions in the ſeveral acts of exemption and protection alluded to reſpecting extraordinary inſtances of internal rebellion or invaſion, there would have been no manner of occaſion for the preſent bill. The act of the ſecond of the King, giving an exemption to perſons bringing fiſh to the London markets, as had been obſerved by his learned friend, contained a proviſo of exception in caſe of rebellion or invaſion, and it could only be inattention in the framers of the former

former bills of exemption that was the reason of the present application to Parliament. The nature of all government, in times of public exigency, pre-supposed a right to call upon every man's purse or person in aid of the general defence, consequently the arguments respecting the constitution, and the particular hardships and distresses of individuals, or descriptions of men, fell to the ground.

Colonel *Onslow* concluded the debate, and spoke in support of the motion for leave. At one o'clock the bill was presented and read a first time instantly, then read a second time, and afterwards committed for the next day [the 24th] which was, in fact, the same day, because it was morning when the bill was brought in.

June 24.

Report of the committee on the militia bill.

Sir *Charles Bunbury* began with saying that the putrid air in the House, the preceding evening, had obliged him to retire home sooner than he intended; that in an age so enlightened and philosophical as the present, he was astonished that gentlemen in general in that House, in other large assemblies, and in their own houses, were not instructed from books, if not from their own experience, of the ill consequences of many persons breathing the same air for many hours. If they read Dr. Priestley's works only, they would feel conviction, how detrimental to health a continuance of respiring foul air was: he wished therefore that at that season of the year, when the doors of the House were thrown open, the windows might be thrown open likewise; in what he said, he was perfectly serious, and he spoke from feeling, for he really was forced to go home the preceding evening sooner than he wished. Had not that been the case, he should not have consented to some of the alterations made by the committee. He declared, that though in general he had no opinion of that set of ministers who had induced our present misfortunes, in the present case he was inclined to trust them. He was aware that the face of the argument was against him. That if he was to ride that horse again which had thrown him down and sprained his wrist, he would justly be deemed a silly fellow. That the ministry had not only sprained the wrist but they had dislocated the neck of the empire, he nevertheless was ready to put confidence in them respecting the bill under consideration. He did not think them silly fellows, and he hoped they would prove by their conduct that his confidence was not misplaced. Before he sat down, he recommended it to them in the most serious manner, to consider the weight of the burthen that the present

present bill imposed on the nation, and to consider the small remains of our resources. He might, he said, be ridiculed as an over cautious economical country gentleman; he did not care for that. He was convinced that the war would be extremely expensive, and he had rather be termed a shabby fellow, than be reckoned among the list of those, who, by their want of consideration, pushed the nation to a state of bankruptcy. He therefore begged the ministry not to use the power the bill invested them with, till they had certain assurances that the putting the bill in force was indispensably necessary.

Right honourable *T. Townshend* declared he should not oppose a bill, professedly brought in for the purpose of enabling government to defend the country against the danger of an invasion; but he had many objections to it; and having been absent from the House the preceding day, on account of illness, was much amazed on hearing that the committee had agreed to alter the number of the militia to be raised by authority of the bill to only half the number. He said, the conduct of the ministry, in this instance, was a true picture of all their conduct. They were irresolute beyond description; they proposed a plan, they broke it in pieces, and then they joined it together again. He said the honourable gentleman who spoke last, need not fear their haste to put the bill in force; they would, as they had ever done, drive it off to the last extremity. Mr. Townshend enforced Mr. Fox's complaint of partiality to the Scotch offers last year.

Lord *Frederick Campbell* defended his countrymen, and declared that a relation of his, Colonel Campbell, had raised and disciplined his regiment, so that they were fit for service in five months, and that the Glasgow regiment did not cost government a shilling, but was raised at the expence of the merchants of Glasgow, who laid down ten thousand pounds for the purpose.

Lord *George Gordon* read a motion for an address to the King, declaring, that Sir Fletcher Norton was of opinion that the bill was more likely to create rebellion and insurrection in the country than create a new militia, that the Lord Advocate of Scotland had proposed a clause respecting the Scotch Fencibles, which had been rejected without a division, and advising his Majesty to take Charles Duke of Richmond, Charles Marquis of Rockingham, and Lord Fredcrick Campbell, to his councils, not doubting but under their assistance the house of Bourbon would be humbled, and unanimity, commerce, and happiness, restored to the kingdom.

Earl *Nugent* proposed a new clause, which, upon a reply from

from Sir George Savile, was rejected, and the bill was made to extend to three years instead of one.

Sir *William Meredith* expressed his doubts of the practicability of raising the militia; the impossibility of its being raised in time, to be of use in the present emergency; and, above all things, he feared the consequences that might arise from doubling the expences and burthens of the present militia; oppressed, impoverished, and harassed as the country was, it is surely no time to double their calamities and their sufferings; that a small force to act where exigencies might require, was of more value than the greatest army whose operations were confined to this island; that probably Ireland would be the first place to be invaded, yet not a man of this militia could be sent to it for relief. But he thought we were directing our attention to an improper object. Why all these preparation at land, when we forgot, that our safety and very existence depended on our naval strength? If we lost our superiority at sea, the loss of trade would follow, with the deprivation of every source of riches, strength, and sustenance, of all our civil and military establishments. He reminded the House of the conduct of the Athenians, when Xerxes approached them with an immense army, and a great fleet; they deserted their lands and houses, and put themselves on board their ships, and then returned in triumph to their country, rebuilt their city, and remained long a glorious and a free people.

If we were not prepared to follow so illustrious an example, still the private ships of war ought to be reverted to. In Liverpool alone, they had a formidable navy, which had brought great part of the commercial wealth of France into the ports of England. There was a generous and animated zeal for the public good, in the people there. Why was it not cultivated? Why did not government endeavour to collect the ships, and bring their brave commanders into the public service? He was confident that there was a spirit in the merchants, captains, and seamen, of that place, which would second every wish for our common benefit and safety.

Mr. *Fox* said he was come to such a paradox in politics that he was obliged to own he was willing to give the ministry, of whom he thought most contemptibly, greater powers than those of whom he had the highest opinion.

Lord *North* lamented that the honourable gentleman had so ill an opinion of him, but thanked him for agreeing to the bill.

The House next resolved itself into a committee on the "bill to remove certain difficulties with respect to the speedy and

and effectual manning his Majesty's navy, for a time to be limited," Mr. Ord in the chair; it was then read. After which, Sir *Philip Jennings Clerke* moved it might be read a second time, paragraph by paragraph: which being done, Sir Philip stopped the clerk in that part which mentioned the coal-traders, and urged the necessity of taking care, that by removing all protections, the colliers were not prevented from coming up to London with coals. He said, those vessels were generally worked by a master, two apprentices, and a mate; he therefore moved, that an exception for each master to be allowed two apprentices be inserted in the bill.

The *Attorney General* urged that the colliers were not protected by statute, but always by admiralty protections, which might now, and certainly would be, granted to them as usual.

The motion was put and negatived.

The bill was then read on, and Mr. *Pulteney* proposed a clause to authorise the lord lieutenants of Middlesex and Surry, and the lord mayor of London, to call out each inhabitant, from the age of sixteen to sixty, for one hour every day, to learn the use of arms, and for two companies of volunteers to be formed, in order to guard the metropolis, and never to be moved above two days march from London.

After some conversation, the motion was negatived.

Mr. *Baker* said, the conduct of the East-India company was illegal, in offering the King ships of war, and offering to raise 6000 men.

Mr. *Dempster* explained the offers made by the company, and stated that they had not offered to raise men, but only offered bounty money to the amount of about 13,500l. and to build three seventy-four-gun ships.

The indemnity clause is filled up from the 16th instant, and the bill is to be in force to the next session of Parliament.

While the bills were engrossing, Lord *North* rose, and gave notice that his intention was to move to have the reports from the two committees on the two bills reported, to move to have the two bills read a third time, and to move that the House be adjourned to Tuesday next.

Sir *William Howe* thereupon said, he hoped to have been indulged with an opportunity of defending himself from the attacks made upon his character by Mr. Galloway's evidence; that he had witnesses to call to controvert the opinions of that gentleman, or rather those opinions he had imbibed from

others, for that he was persuaded was the case; and that it would not be acting fairly by him, unless he had a day given him for this purpose.

Lord *George Germaine* said he was very far from wishing to deny the honourable gentleman an opportunity of removing the effect of any part of the evidence given by the witnesses called by him, which he thought prejudicial to his character; that he might cross-examine Mr. Galloway as much as he pleased, or any other witness that he should call to the bar; that the honourable general had a right to do this to what extent he pleased, and that if the honourable general had no such right, he was perfectly ready to consent to his doing it; that in calling witnesses he had solely confined himself to establishing his own defence, and had no design of criminating the honourable general.

Mr. *Byng* complained of the enquiry being conducted unfairly. He said his worthy friend, the honourable general near him, had stated, that part of Mr. Galloway's evidence affected his credit with the public, and his honour as an officer; that his request was of that nature that it ought to be complied with; and if the honourable general was refused a requisition every way so proper, he should, when he left the House, declare universally, that in the case of the honourable general there was a denial of justice.

Sir *Richard Sutton* declared that the honourable general had been indulged with as much candour as possible. That, on the last day of the committee's sitting, he himself forebore to ask a great number of questions, which he had designed to put to the witness, merely to give the honourable general more scope for his cross-examination. At the time he did so, he stated his reasons, and the honourable general neglected to embrace the opportunity, and gave way to another gentleman, who got hold of the witness, and kept him under examination a considerably time; and therefore there was not the smallest ground of complaint of a denial of justice.

Lord *Howe* begged the honourable gentleman who spoke last to recollect, that though the general did not, as the honourable gentleman had phrased it, embrace the opportunity of entering upon the cross-examination of Mr. Galloway, because he had said he would forbear some questions that he meant to put; that he was repeatedly desired to ask every question that he thought proper, and told that it was the wish, both of the general and himself, that the truth should be fully investigated, and that every gentleman of the committee

mittee should ask as many questions as he chose, only they had begged that a witness might be left to one gentleman at a time, and his examination ended before another gentleman began with him; and this request they had made for the sake of method in the enquiry, and for the sake of accuracy and expedition. His Lordship further observed, that it doubtless would be remembered by the House in general what he had said of Mr. Galloway, previous to his examination; he begged leave to recall that opinion, because he had changed it; he had stated to the House, that he thought Mr. Galloway a man of honour; he really now thought of him very differently, not because Mr. Galloway's evidence was adverse to the general and to himself; very far from it: on that account he felt no resentnent. The reason why he no longer thought Mr. Galloway a man of honour was, because it appeared, from his evidence, that he had divulged a matter in America, which he had, in the fulness of confidence, imparted to him. That breach of faith it was which induced him to form a new opinion of Mr. Galloway. With regard to what he had said respecting the general's conduct and his own, he freely forgave him: he regarded it in the light which Shakespeare speaks of his apothecary, "his poverty, but not his will, consented." He could only therefore lament that he had such hard task-masters, that they, among other restrictions imposed on him, restrained him from speaking truth. His Lordship concluded with declaring, that if the general and he were denied an opportunity of calling evidence to refute what Mr. Galloway had said, it was needless for him to say a word more to the committee, or to give himself any farther trouble about the enquiry.

Lord *George Germaine* declared he did not understand what the noble Lord meant by the word task-masters; if the noble Lord pointed at him, he was totally wrong; he had no influence over Mr. Galloway, neither had he attempted to exert any; he had not lately talked with Mr. Galloway; he had heard indeed of the same facts which Mr. Galloway had stated at the bar, a long while ago; he had heard them in general conversation from Mr. Galloway, he knew, therefore, he was in possession of them. [Upon Colonel Barré's smiling, and Lord Howe's saying, "I believe you did,"] Lord George declared, he meant to tell the House the truth honestly and fairly. That it was his duty to see every American gentleman who came to this country for refuge; that he had seen them all, and he had conversed with them on the subject of

American affairs very fully; had he not done so, he should have been guilty of a most criminal neglect. When he first saw Mr. Galloway, he held this sort of conversation with him, but he had no particular conversation with him since; nay, he did not even know what stipend Mr. Galloway received from the treasury; he knew he received some income, but he had never enquired what the amount of that income was.

Colonel *Barré* declared, he verily believed what the noble Lord had said; but he could not help expressing his surprise at the noble Lord's ignorance of what Mr. Galloway was paid yearly by the treasury; he should have thought that the noble Lord was the minister most likely to be the best judge of Mr. Galloway's pension. Having said this, he defended Sir William Howe against the avowed intention of closing the enquiry next Tuesday, and adjourning the House to that day, so that there could not possibly be time for the honourable general to call his witnesses. An honourable gentleman, over the way, had said, that he forebore to pursue his string of questions to Mr. Galloway, on purpose to afford the honourable general an opportunity of cross-examination, which opportunity it was now a matter of complaint that his honourable friend the general neglected to embrace. He would take upon him to tell the honourable gentleman, that his honourable friend would not at all cross-examine Mr. Galloway. Mr. Galloway's evidence had been of such a sort, that his honourable friend, he was sure, would not condescend to reap any advantage that he could derive from such a witness as Mr. Galloway. Indeed, to say the truth, the best way that his honourable friend could follow, would be to give himself no more trouble about the enquiry; because, what justice could he expect from an examination in which the witnesses had been tampered with? [This declaration creating some surprise, the colonel slapped his had on the trunk on the table, and, with a stronger emphasis, repeated the expression, that the witnesses had been tampered with.] He added, that he scorned to convey severe charges in loose words, or to aim an injury indirectly or by insinuation; he would come to the point, and state the grounds on which he rested his assertion. Possibly it might turn out that he had been misinformed; he should be glad to hear he had. If the noble Lord would give himself the trouble to reply, he would thank him; he knew the noble Lord to be a man of honour, and he was perfectly convinced the noble Lord was above a falshood, especially in

any

any matter that concerned his own character. If the noble Lord could refute what he was about to say, he should be ready to acknowledge his error, and glad to be set right. What he alluded to was this: an officer of high reputation, an engineer now in the service, Colonel Dixon, was summoned to the bar of that House, as a witness on the enquiry then in question. Colonel Dixon was sent to; [Lord George Germain said, "Never by me." Mr. De Grey, who sat on the seat behind Lord George, instantly said, "I sent to him." The Speaker called to order, and the colonel went on.] Colonel Dixon, feeling like a man of honour, did not go to the office of the American secretary, from whence he had been sent to. He then received a note, earnestly pressing him either to come to the office, or to suffer himself to be waited on, in order to talk over the American business. He wrote word, in reply, that he felt himself particularly circumstanced; that he was to be examined as a witness, and he thought it improper to converse at all upon the subject, previous to his examination; he begged therefore to be excused coming. Some time afterwards he received notice that there was no occasion for him to continue in town, for that his examination would be dispensed with. This, the colonel said, was the story he had heard; at the same time, however, that he mentioned it, he begged leave to say, that he had no acquaintance with Colonel Dixon; he supped with the colonel formerly at Quebec, two and twenty years since, and, from that time to the present, he had no intercourse whatever with him. If the story was ill-founded, he repeated that he should be glad to hear it set right. He was ready to give the noble Lord credit for his denial of having acted in an improper manner respecting the circumstance; and as there was not a man in the House, whose character he had a greater respect for, than that of the honourable gentleman who had said that he sent to Colonel Dixon, he was sure he should receive a satisfactory explanation.

Lord *George Germaine* declared, that the first he heard of the story in question was the account that reached him of what had been said upon the subject in the House of Lords last Thursday by the Earl of Shelburne. That he immediately made an enquiry into the fact, and then, for the first time, learnt that the honourable Gentleman behind him had sent to the colonel. That he had taken no part in the matter either one way or another; and that the noble Earl who had attacked him in the other House upon it, in very harsh terms (how

decent they might be he did not know, but perhaps they were fit for that assembly and consonant to the customs of it) was beforehand with him in being acquainted with it. All he knew respecting Col. Dixon was this, that he wrote a letter, stating that he had come a long journey, as he was in the service at Plymouth; that his being to be examined was a matter of great inconvenience, and very far from pleasant to him; and that he begged to be examined as early as possible. That he afterwards attended one day, and left word that he had done so with the door-keeper at that House. That he, at another time, by a third person, signified his wish, if he were to be examined, that it might be soon, as the service at Plymouth was materially prejudiced by his absence. Upon these intimations, and foreseeing that the length of time that the examination of each witness called took up, that it would be impossible to examine all he had caused to be summoned, before the House rose, added to his intention not to question to military points, and to his recollection that other officers could speak to the same topics which he meant to propose to Colonel Dixon, his Lordship said, he gave directions that the colonel might be informed that his examination would be dispensed with. This, and this alone, his Lordship declared, was the reason of his letting him know he would not be wanted as a witness; and, surely, if gentlemen considered that he had, as yet, called but two witnesses; that one of the two had taken up three whole days, and the other was likely to take up two or three, when he ordered Colonel Dixon to be wrote to, added to his declaration, that his absence was prejudicial to the service at Plymouth, they would not think there was any thing very censurable in his dispensing with the colonel's farther attendance.

Mr. *De Grey* desired to preface what he should say upon the subject, with declaring, that if there was blame due to any person for the notes sent to Col. Dixon, desiring him to come to his noble friend's office, he and he only merited that blame. The fact was this; having occasion to summon a variety of officers to attend as witnesses upon the enquiry, most of whom he did not know, and many of whom he had never seen; he had, when the enquiry came on, thought it due from him, as a matter of civility, to see each, in order to converse with them on the subject of American affairs, and to state to them what questions he should propound to them: among others, he sent a note to Colonel Dixon; the colonel did not come, but wrote an answer, begging, from motives

motives of delicacy, to decline the interview. The answer, Mr. De Grey said, was far from uncivil or unfriendly in any point; it did not hint at his having done wrong in desiring to see the colonel, and he should hold himself guilty of a baseness, beyond all hopes of pardon, if he could have offered so gross an insult to an officer, as to have attempted, in any degree, to tamper with him as an evidence; much more should he have been ashamed of insulting an officer of such high character and rank as Colonel Dixon bore, by any improper attempt to warp his integrity as a witness. He declared he gave the colonel credit for that delicacy of feeling, which prevented his agreeing to the interview; at the same time, however, he was not conscious of having acted improperly in inviting him. He had fairly stated the fact to the House, and he was ready to submit his conduct to their judgment, convinced of their candour, and conscious that they would not presume a bad intention, where there really was none. With regard to what his noble Friend had said upon the subject, it was exactly as he had mentioned the matter. Colonel Dixon had written to complain of his long journey, of the prejudice the service would receive from his absence, of his objection to be examined at all, and of his desire to be examined as early as possible, if his examination were indispensible. His noble friend, before he knew of the correspondence that had passed between him and Colonel Dixon, finding that he could dispense with Colonel Dixon's examination, had given directions that the colonel should have notice that he might return to Plymouth.

Colonel *Barré* said he was perfectly convinced that the fact was exactly as it had been stated by the honourable Gentleman who spoke last; he appealed, however, to the House, whether he was not justified in all he had said respecting it, although it had appeared, that instead of the matter's lying at the noble Lord's door, it was ascribable to the zeal of the honourable Gentleman, who spoke last, to serve his noble Friend. He declared he did not wonder at the honourable Gentleman's zeal carrying him a little too far, as it had done on the occasion in question. His zeal for his noble Friend, nevertheless, did him the highest honour, and would do honour to any man. He then declared, that though he knew General Grey intimately, and had known him long, he had not gone so far with him; on the contrary, he had shunned conversing with him on the subject. To another officer who had been summoned, but who was not examined, he had only desired him to prepare himself with firmness against he came

to the bar of the House of Commons; told him that he was going upon a service of danger, that he knew he was a man of honour, and that he would speak his real sentiments, to which he left him. The colonel said there was another matter, which deserved some notice. The noble Lord had mentioned what the Earl of Shelburne had said in another assembly, and had declared, that he mentioned the affair of Colonel Dixon in harsh terms, how decent they were he knew not, but he supposed they were fit for that assembly. In answer to this, he had only to say, this was not parliamentary language; that the other assembly knew what terms were decent, and best knew what terms were fit for itself. If the noble Lord thought the terms to harsh, he referred him to the Earl of Shelburne for an explanation. The colonel having discussed this point, went into a general attack of administration, confining himself, however, in a great degree, to two charges, which were, the interposition of lawyers in military affairs, and the ministry's refusal of the regiments which had been offered Government. Upon the latter subject, he was extremely particular, asking why administration had refused young Rutland's offer? He said, he used the term refused, because he considered their answer as a rejection. The Duke of Rutland had made a noble, he had made a princely offer! He had offered to lay down twelve thousand pounds to raise a regiment of cavalry, or a regiment of infantry, whichever government chose, and made no stipulation for himself; he had indeed declared, that if government thought it adviseable that he should bear a commission in the corps, he was ready to accept it *honoris causa*, and to give weight and efficacy to the scheme; his only conditions were, that he should name his colonel, his lieutenant-colonel and his major. For the first he named an old officer, Colonel St. Leger, that was agreed to. For the second, the duke named an officer in the guards [Captain Stanhope] whose brother was, at this time, raising a regiment for government. This was refused. It was said it could not be; that for upwards of twenty years, no officer in the guards had been admitted to rise to rank in the line; the last example was Sir William Draper. For the third, the duke, being unfortunately prepossessed in favour of a name, which many men were weak enough to think this country ought to revere and admire, had nominated the Earl of Chatham. To this also there was an objection. The colonel grounded much censure of ministry upon their conduct in this instance, and asked which of the number of persons who sat on the other side of the House,

House, who enjoyed lucrative sinecures, and who had put from fifty to an hundred and fifty thousand pounds in their pockets by their court connexions, had made an offer to advance a shilling, or to raise a man to assist their country in this crisis, much less an offer like that of the Duke of Rutland's. He warned them that they must stand forward, and that the sooner they did it, the better for their own credit. He added, that he did not expect they would find men, he then only aimed at their purses. They must open them, and part with a portion of their wealth if they wished not to lose the whole. After arguing this for some time, he reverted to the enquiry, and complained of lawyers taking the lead in politics. He said, we had now many learned generals; the chief justice of the King's Bench, the attorney general, the solicitor general (though he owned he liked his politics, they were manly and noble, that general having declared he would impeach the minister that should dare to employ Sir Hugh Palliser) the Lord advocate of Scotland, and he had like to have forgot him—the council of the board of ordnance. Thefe took the lead on all military points. The chief justice was a great general; he had led us over the Rubicon; he had planned the American war; directed the campaigns, and found fresh stores and fresh magazines; and now he was busily employed in planning the defence of that kingdom, which was reduced to the last gasp of existence; and through what?—through the military manœuvres of lawyers! lawyers! lawyers! Having worked himself up into some warmth in the preceding sentence, the colonel in a short time recovered his temper, and was extremely pleasant in the remainder of his speech, which was by no means an ill-supported laugh at the expence of the attorney-general. He ridiculed the learned gentleman for his answer to Mr. Fox the preceding day, about the offer of the regiments, about his defending the detaching admiral Arbuthnot to America, and admiral Hughes to the East Indies; and about his anecdote of Major Humphries, and his grandfather, General Webb. He said, to be sure General Webb's gallantry against La Motte, in Flanders, did him the highest honour, and reflected some lustre on his grandson; but could nothing be said in favour of Mr. Stanley's ancestors? There was an old woman, a Countess of Derby, who many years since very bavely defended her castle;—would that do nothing to balance the story of General Webb? With regard to Admiral Hughes's going to the East Indies, the learned general (for so he affected to call the attorney-general

neral all through his speech) had triumphantly asked, was nothing to be done in the East-Indies after the capture of Pondicherry? He really wished to know what was? He saw no East-India Gentleman to ask. [Looking round, and espying Mr. Walsh behind him, he said, O yes, there was one. Pray, could he tell me?] Mr. Walsh said, the Havannah may be attacked at least; I hope, Sir, it may be conquered.] The Havannah! True, but the Havannah cost us dearly last war. The colonel then went on to sport with Mr. Attorney's speech, and advised him to read the accounts of the military operations in Queen Elizabeth's reign before he spoke with confidence on the present military state of affairs. After pursuing his ridicule for some time, he sat down.

Sir *William Howe* then stated to the House what had been the treatment of Mr. Galloway when he joined the army in America, and his appointments; declaring he first paid him two hundred a year, and afterwards, at Philadelphia, appointed him to an office in which he received 650l. a year. After enlarging upon this, Sir William concluded with declaring, he should think himself very hardly treated, if he was refused an opportunity of calling a witness or two to answer what Mr. Galloway had declared at the bar.

The *Attorney General* turned the laugh upon Colonel Barré, with good humour. He confessed, that attempting to recite anecdotes, or tell stories, in that House, was encroaching on a right, of which the Colonel had long held the monopoly. He declared it was the first time he had been detected poaching on the Colonel's manor, that he served him right to take his gun from him, and he assured him he never would pursue his game again. After pushing the laugh as far as it would go, he half seriously asked if no man was to talk of military affairs in that House but military men? Perhaps there were ranks of even the military proscribed from touching the hallowed theme. Were general officers the only persons qualified to speak upon military topics in that assembly? Might a lieutenant-general, a major-general, might a colonel, might a subaltern touch upon them? He wished to settle a *cartel* with the colonel (if using the word *cartel* was not too much *en militaire* for him to step) and to adjust the proceedings of the House in future. After beginning with a ridicule, growing half serious, and at last perfectly so, Mr. Attorney General concluded.

The order for the committee to sit on the American correspondence was discharged; and another order was made for

for the committee to sit on the 29th, and then the House adjourned to the 29th.

June 29.

The order of the day was, to go into a committee on the American correspondence; but General Sir William Howe not being present, Mr. R. Whitworth said, it was not fair to go into an examination of evidence in the absence of the general, especially as such evidence related to his conduct; and therefore moved to adjourn. The motion was carried without any debate. Thus the committee expired.

June 30.

The bill for suspending protections, was returned from the Lords, with an amendment in favour of the coal trade.

Sir *George Yonge* attempted to introduce two words, to render the exemption more complete; but he was told by the Speaker, it could not be done without objecting to the whole amendment, upon which he gave it up, and the amendment being agreed to, the bill was sent back to Lords.

Right hon. Sir *William Meredith* then took notice of the sudden manner in which the committee of enquiry on the American affairs had been dissolved the day before, without coming to any resolution; he would not make any motion, as he found it was the sense of the House to go no farther into the business; but as the general and his noble brother were present, he thought if they had any thing to offer, the House should now hear them.

Sir *William Howe* said, that he was exceedingly surprised to find, on coming down to the House, the day before, that because he was not in his place, the House had been adjourned. He came down to the House by four o'clock, and had he conceived that his presence was necessary in the examination of Mr. Galloway, he would certainly have attended earlier. He did not mean, to ask that Gentleman any questions—he would not ask him any—and there being still many witnesses to examine on the part of ministry, he did no think that his absence for a quarter of an hour could have been any reason for breaking up the committee. He wished to have brought evidence to contradict the facts asserted by Mr. Galloway, particularly that part of his conduct respecting the general's conduct to the magistrates of Philadelphia. As it was, he called upon the minister of the American department to clear up his character, by telling the House if he had any thing to lay to the charge of himself or his brother, for now

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was the time, if he had collected any criminality of conduct from the evidence at the bar to declare, and not to let the House rise with the idea of hidden imputation, which made it improper for them to be employed in the service of their country.

Lord *Howe* called upon the minister in the same manner, for the benefit of the sea and land service, to declare his reasons, if he had any, why his Majesty's ministers had withdrawn their confidence from him and his brother: if they had done any thing that rendered them incapable of serving their country, or if he intended any future charge against them, he desired it might be declared; or if not, that all imputations might be wiped away, by his avowal that he had no accusation against them. While imputations rested on their characters unrefuted, it was not possible for them to enjoy the confidence of their country; it was not possible for them to act in its defence. He lamented, exceedingly, the effects of such treatment. Officers would see cause for apprehension, and would feel themselves unsafe in the service, if ministers failed to protect the honour of the men they employed; if they listened to private attacks, if they encouraged private aspersions. It is the duty of ministers to protect their officers to a certain extent, and not reduce them to the melancholy necessity of weighing matters, in every extremity, with all the circumspection necessary to self-defence. If they do not do this, and if they should be suspected, instead of this, of giving ear to imputations suggested by inferiors; if an idea should prevail in the minds of men near to the persons of officers in command, that there are surer roads to favour, than obedience to command: if it should be suggested, that there are higher authorities whom men ought to have in their eyes, and to oblige them rather than the generals in command; if these suggestions should prevail in our fleets and armies, what officer would think himself safe to serve, and what must be the consequences to this country?

Lord George Germaine did not speak.

Earl *Nugent* rose, and gave it as his opinion, that no charge was ever intended from the beginning of this enquiry to the end; that the general and his brother, so far from being blamed, had the approbation of their sovereign, and of all rational men within the House and out of it for their conduct in authority. He declared that no confidence was withdrawn

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from them, and told them, if they would offer their services, he was certain they would be accepted.

Right Hon. *T. Townshend* said, he accepted this fair declaration in favour of his worthy friends, and desired it might be remembered, that all insinuations, and all imputation on the characters of those brave commanders were treated with the contempt they deserved by the friends of the ministry. He highly approved of Sir William Howe's resolution to ask no questions of Mr. Galloway—a man who remembered every military manœuvre that had, as well as those which had not, taken place; but who recollected nothing of his own conduct in the American Congress—remembered no votes he gave there—remembered not even on what conditions he held his pension—nay, who remembered not whether he held it for life, or during pleasure; a man of such a memory was very improper, in his opinion, to be asked questions of. He hoped it would be remembered, he said, that that enquiry was concluded at a time when the movers and objects of it were absent; that it was concluded without any propositions being drawn from it; and that ministers were silent when two of the greatest officers said there were imputations thrown upon their conduct, which prevented them from serving their country, and yet were denied the justice of refuting them.

Mr. *Dunning* said, he rose with astonishment, and should sit down with it, if the minister for the American department remained silent; for though the noble Lord, his friend, had delivered his opinion, which was his own, and that of the people of England, that the general and his noble brother deserve the warmest praises of their country, he should think that minister culpable, and deserving severe punishment, who would not openly acknowledge it; neither could he expect that under such circumstances the general or his brother could offer their services to their country, while that administration continued.

Not one of the ministers said a word.

July 1.

No business.

July 2.

The militia bill being returned from the Lords materially altered, gave rise to a debate on the point of privilege.

Sir *Grey Cooper* moved, that the amendments should be read a first time.

Sir *Adam Fergusson* objected to the motion on this ground, that the militia bill, being a money-bill, the Lords could not alter

alter a tittle of it; and therefore it would be contrary to the privileges of the House to enter into the consideration of the amendments.

Sir *Grey Cooper* maintained his motion to the following effect: That if the bill sent back by the Lords with amendments was to be considered as a money-bill, the objection was certainly a good one; but if the House would give him leave, he would state what he took to be the law and usage of Parliament respecting the competency of the House of Lords to make amendments in bills sent from the Commons.

He observed, that in money-bills, properly so called, or bills of supply, which contain a grant of money by the Commons to the crown, and which are founded on resolutions come to in a committee of supply, or a committee of the whole House, the Lords, by established parliamentary usage and custom, have no right to make any the least alteration or amendment whatever, except in verbal errors and literal mistakes; and even in those cases, a particular entry is ordered to be made in the journals of the Commons, why they agree to such an amendment. This, he said, was the sole and undoubted right of the Commons, who always have watched and guarded, and always ought to watch and guard, against any direct invasion, or indirect encroachment on this right.

He proceeded to observe, that in all bills which do not give and grant money to the crown, but contain impositions or tolls on the people, as road and navigation bills, and bills relating to the customs and excise, it has been resolved, and it is the clear law and usage of Parliament, that the Lords have no right to alter any matter *relating to the tolls ar duties*, either by augmenting or diminishing them, by annexing any condition or qualification to them, or by exempting any person from any part of such tolls or duties, or of varying in any respect the application, regulation, collection or appropriation of them; but that *as to other matters in such bills*, the Lords are competent to make alterations and amendments.

Sir Grey further observed, that in bills, which are not either bills of supply properly so called, or bills of tolls and imposition, the Lords may make alterations and amendments, provided such alterations do not directly, or by implication, lay a charge or burthen on the people, or enable the crown to do an act which when it is carried into execution, will or may lay a charge on the people; and under this rule the Lords are restrained from imposing fines, or pecuniary penalties, or establishing fees of office.

These,

These, Sir Grey said, in his humble opinion, were the rules and principles which pervade the several cases and precedents in the journals; the application of which rules and principles must be made to every case that arises, and upon the facts and circumstances which constitute such cases.

He spoke, he said, with perfect indifference as to passing or rejecting the bill in its present shape; but he conceived that the bill was not on the ground before laid down, when it went up to the House of Lords, a supply bill, or money bill, properly so called, and that therefore the Lords were competent to make amendments to it.

Besides, as the amendments, which they had made, did not touch or affect the charge of the militia, or annex any condition or qualification to it in the most remote degree, he thought they might be agreed to without infringing the privileges of the House. If they had made an amendment that the pay should commence, and be advanced by the receivers general, when two-fifths of the men and officers were raised instead of three-fifths, as the law now stands: if they had added any conditions to the allowance of the marching guinea, or if they had empowered the crown to regiment the volunteer companies when raised, and by that means to increase the officers, and consequently the charge on the people for paying them; the amendments and the bill must have been rejected. The House had, in some instances, in good times, acquiesced under amendments which had merely diminished the numbers in bills of service; but in this case it was uncertain and contingent, whether by striking out the mode of raising men by ballot, and leaving the power of raising an indefinite number of volunteer companies they have or have not diminished the numbers.

Upon the whole, he added, it appeared to him, with great deference to the chair and the House, that if it was thought right in other respects to agree to the amendments made by the Lords, they might be agreed to, without danger to the privileges of the House.

Mr. *Jenkinson* said, that all money-bills, by an order of the House, must originate in a committee of the whole House, or a committee of supply; that the present bill originated in neither; but had been brought in as a common bill, and that its object and tendency was to give the King a power to augment the militia, to defend the Kingdom in case of invasion. This was a measure as competent for the Lords to judge of as the Commons, and unless they had so amended

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the bill as to make it extend in point of burthen upon the people, he did not see that their having amended it was a reason why that House should not go into a consideration of the amendments.

Right Hon. *T. Townshend* began with urging the necessity of preserving the privileges of that House inviolable, but thought that a hasty determination, that they were invaded before the question had been properly discussed, and it had been seen whether they had been invaded or not, was not the best means of supporting them. He then entered into an examination of the mode of voting money for the supplies, and the mode of voting bills to authorize the particular services, to defray the expenditure of which, the supplies were granted; deducing an inference, which he thought at least seemed probable, and which was, that the two matters were divided, and put into separate bills, purposely that the Lords not having a right, without infringement of the privileges of the Commons, to meddle with a money-bill, might alter and amend the other bill, authorising the particular service, to defray the expence of which the supply-bill was passed. Mr. Townshend dwelt for some little time on this distinction, and after speaking generally to the subject of the bill, and to what had marked its progress from its being first brought in by the noble Lord in the blue ribbon, to the present stage of it, concluded with saying, that if any gentleman seriously thought the privileges of the House were at all in danger, in case the amendments made by the Lords were gone into, it would be better to reject the bill immediately, and to proceed to pass a new bill with as much dispatch as possible; the only inconvenience in that case would be, Parliament must necessarily sit a few days longer; an inconvenience of so trifling a nature, that it was not worth a moment's consideration, when weighed against the privileges of the representatives of the Commons of England.

Earl *Nugent* rose to speak on the subject, but beginning almost immediately to enter upon the nature of the Lord's amendments, he was reminded by the speaker that he was out of order; for the amendments, whatever they might be, were not yet known to the House, the present question being, "whether the amendments made by the Lords should be then read."

Mr. *Dunning*, in a laughable stile, complained of the hard fate which a bill of his had lately experienced, [the bill to prevent the sale of the office of clerk of the assize] and shewed that

that the bill under consideration was just as much a money-bill as the bill he alluded to was; that nevertheless his poor bill met with a most ignominious fate, for it had not only been thrown over the table by the speaker, but an honourable gentleman who spoke last but one, had, very much to his credit, much to the credit of the House, and much to their entertainment, indulged himself with dancing after the bill, and kicking it out of the House. Mr. Dunning called the attention of the House to the nature of giving the royal assent to bills, and shewed that where a bill was really a money-bill, the language of the sovereign was, *Le Roy remercie ses bons sujets, accepte leur benevolence, et ainsi le veut.* The bill he had alluded to was opposed when it came down from the Lords, on the plea that it was referable to another bill, which was a money-bill, and therefore it was contended that the Lords having meddled with it, had infringed the privileges of that House. This argument he insisted upon it was ill-founded, for neither the bill he was speaking of, nor the bill to which it referred, viz. the bill to empower his Majesty to augment the judges salaries, were in fact money-bills, or such bills as the King when he gave his assent to them, would think so acceptable, as to say he thanked his good subjects for the bounty *et ainsi le veut.* Upon the whole of the case, he declared he was somewhat puzzled how to act; if his bill had been properly thrown out, the present bill ought to be thrown out likewise, because the principle of the objection was exactly similar in both cases; he begged therefore that the Speaker would favour the House with his opinion, whether it was contrary to the order upon the journals to proceed to debate the amendments made by the Lords, or whether, agreeable to the order, the privileges of the House would be violated if they did not reject the bill for the reasons that had been assigned?

The *Speaker* said he certainly had his opinion upon the subject, and if the House insisted upon it, he should give it, such as it was; he submitted it however to their consideration, whether, as they had proceeded to debate the matter, it would not be more proper for them to settle it among themselves, as they had done in the case alluded to by the honourable gentleman, which he begged leave to inform the honourable gentleman, was not exactly similar to the present, the bill being at that time received and thrown out on the second reading, and by a vote of the House, after a short discussion of the part of the bill which was thought objectionable.

Mr. *Dunning* raised a fresh laugh at the circumstance of the former bill's undergoing a *short* debate, and said, that had he conceived the length of the debate would have had any effect towards the salvation of his unfortunate bill, he would, with all his heart, have stood up, and spoken for five hours together, in order to have rescued it from the ignominious fate which it underwent.

Sir *William Meredith* said a few words on the point of privilege, contending that the present was a money-bill in effect, and that it was ridiculous to argue otherwise.

Mr. *Fox* said, he would take the opportunity of saying a farewel word or two to the minister for the present session. He attacked the noble Lord in the blue ribbon, with his usual asperity, on the repeated calls upon the House, which were made by those who sat near him, (when the bill then before them was originally brought in) to act with *unanimity* and *spirit*. He stated the reception the bill had met with in that House, every man agreeing to it, or rather forbearing to oppose it, not because they approved of it, but because they were not willing to embarrass administration when they offered a measure professedly designed to call out the national force, and to add to the security and defence of the kingdom in an hour, when the ministers themselves stated the kingdom to be in the most imminent danger of an invasion. It had passed that House unanimously, but what was its reception in the other? Where was the spirit and the unanimity which the noble Lord in the blue ribbon had preached up to all gentlemen there? Were the members of the King's cabinet unanimous? Were they ready to adopt the measure as a measure of good policy, and to carry it into execution with spirit? No such thing. No two Lords of the council were of one opinion; the divisions of the cabinet respecting the measure had followed the bill into Parliament. The Lord President, so far from feeling that unanimity which the noble Lord in the blue ribbon had recommended, had openly declared his fears that the bill was impracticable, and proposed a plan totally different from every idea suggested in the bill. He begged therefore that ministers would not again have the *impertinence* to talk of unanimity and spirit, because he said it was *impertinent* and insulting to the last degree, for any set of men to recommend that to others, of which they were themselves incapable of holding out an example. Having said this, Mr. Fox went into a consideration of the little hope there was of expecting any good from the present ministers, and asked where could a set of gentlemen now be found that would say they had any confidence

confidence in administration? The bill which had been that day brought from the other House, was a proof that they were shamefully indecisive and shamefully indifferent; that so far from having sufficiently digested their measures before they came to Parliament to propose them, they had not even ascertained their practicability. The opposition in the other House was chiefly made by the lords lieutenants of counties, the very persons into whose hands the execution of the bill would necessarily devolve, and who of all men were the most capable of judging whether it was or was not practicable.

He desired to know why ministers had not consulted the lords lieutenants of counties respecting it, before they proposed it to Parliament, and said, if the idea of contemning aristocracy had prevailed so far, as to prevent such a necessary consultation from taking place, it was a futile and improper objection. With regard to the present *remnant* of the bill which they had sent up to the Lords (for a remnant it was, and a most inefficacious remnant, the very vitals of the bill as it originally stood having been taken out) it was to all intents and purposes a money bill; and to argue that it was not so, merely because it did not originate in a committee of supply, or a committee of the whole House, was the most childish distinction that he had ever heard. Did not the bill, as originally framed, contain a clause, enabling his Majesty to augment his militia, a power which imposed a burthen on the subject, and for the expence of which their money was appropriated by another bill, to which this especially referred? who then would say that it was not a money-bill; and who would be so weak as to advise the hearing the amendments of the Lords read, when even if the motion were agreed to, it would only carry the House a step farther, at which they must necessarily stop, and at which the bill must inevitably be thrown out and rejected? It were better to proceed regularly; to throw out the bill then, and to begin *de novo*; the difference of Parliament's continuing to sit a few days longer, was, as his honourable friend had stated it, nothing in comparison of the mischiefs, of the dangerous consequences to the nation which might ensue, if that House acquiesced in a violation of its privileges in any one instance. Having laid down this very strongly, he recurred to his attack on administration, and said it was evident they acted better, and more wisely when they were opposed, than when they were left to themselves. That while that side of the House continued to harass them, and to throw obstacles in their way, it served as a spur to their activity, and gave them a degree of firmness, of caution, of *unanimity*, and of *spirit*, which it was now evident was not their

natural characteristic. In the present case, their calls upon gentlemen to be unanimous had been listened to on both sides of that House, and listened to, not, as he before said, from any approbation of the bill, but from a wish to suffer them, in one instance, to act of themselves, and to try, by giving them rope enough (he wished to God they had made a proper use of the rope) whether they were or were not capable of proposing any one salutary measure, and carrying it through Parliament. The result was a fresh evidence of their incapacity, and the manner in which the noble Lord in the blue ribbon had treated the bill in its progress through that House, as well as the readiness with which he was willing to adopt the wretched remnant of it sent down from the Lords, shewed incontestably that indifference which marked every part of his conduct. To that indifference he ascribed all the mischiefs that had befallen this devoted country, and declared that the fate of the present bill would not be a slight one; ministers alone, however, were answerable for it, opposition, for the reasons he had stated, having no share in the responsibility; and he trusted the matter would be seen in its true light by Europe and all the world.

Lord *North* replied. His Lordship said, it was very true that House had shewn a degree of spirit and unanimity respecting the bill, when he originally brought it in, a degree of spirit and unanimity which did them the highest honour; he could not speak of the proceedings of the other House of Parliament with the same degree of applause. He was exceedingly sorry that any of his Majesty's ministers, or any one member of the cabinet, should differ in opinion from him, but he could not help it. The honourable gentleman, however, was not founded in what he had asserted respecting the practicability of the measure; at least, any thing that had fallen either in that House or the other, whether from lord lieutenants, or from any body else, upon the subject, had not altered his sentiments respecting the measure, which he now regarded in exactly the same point of view in which he had regarded it when he first had the honour to propose it in that House; he held it to be practicable, very practicable! The honourable gentleman had rested a considerable degree of the blame, which he had ascribed to him, upon the charge of his despising the aristocratic power, and thence neglecting to consult the lord lieutenants (whether they thought the measure could be put in force without alarming the country and creating great tumult) before he suggested it to Parliament. Let the,

the honourable gentleman remember, that the measure was calculated to enable his Majesty, in a time of public exigency, to call out the national force to a greater extent, than, as the laws stood, his Majesty was authorised to call it out, for the defence of the kingdom. The burthen of the measure would rest where? Not on the aristocracy, but on the body of the people. Ought he then, as a member of that House, and one of the representatives of the Commons of England, before he suggested the measure to the Commons themselves, to go and ask the opinion of such of the Lords as happened to be lieutenants of counties? He thought he should have degraded himself, and insulted that House, if he had ever taken any such step. With regard to what some of the lord lieutenants had said on the score of the measure's being impracticable, it did not weigh with him in the least; there were in that House many gentlemen who served in the militia, and many of the deputy lieutenants of counties, who knew much more of the practicability of a ballot for augmenting the militia, than the lord lieutenants did, and who had all agreed, that the measure was practicable. He could speak with respect to the county with which he was acquainted, and of which he was lord lieutenant: in that county, the measure was so practicable, that he would have undertaken to have concluded the ballot, and got all the men in a month, and he did not doubt but the same might have been done in every county in the kingdom. The noble Lords, who had objected to the bill in the other House, had not given proofs of the impracticability of the measure; they had argued against it, merely from their apprehensions, apprehensions lightly taken up, and, in his opinion, altogether ill-founded. The honourable gentleman had declared he repented of his unanimity, and was glad the Lords had objected to it; he was sorry for it, and he hoped the honourable gentleman stood alone in his sentiments. The measure was a proper measure, and the unanimity which the House shewed in passing it, he repeated it, did them the highest honour; and he was free to declare, that he thought it would have better become the other House to have followed their example, and to have returned a bill, sent up by the unanimous voice of the Commons, without a single alteration. Notwithstanding this, he was glad to accept the remainder of the bill as it now stood; but not, as the honourable gentleman had thought proper to assert, from motives of indifference. He wished most heartily the whole bill had been suffered to stand; as it had not, he must take the rem-

nant, and pick up even the crumbs which fell from their Lordships' table. In so doing, he was acting consistently; the clause respecting the volunteer companies had originally been proposed by a noble friend near him [Lord Beachamp] and had as soon as suggested, met with his approbation, as a part of the scheme of the bill. Would any gentleman say, that the Lords having, contrary to his wishes, taken away one part of the bill, was a reason why he should declare himself unwilling to accept another part which they had suffered to stand, and which he had before said he highly approved? To act in that manner would betray a peevishness and petulance unworthy an Englishman at any time, but particularly unworthy him at that moment. He was far however from thinking, that what remained of the bill was sufficient for the defence of the kingdom; he considered it only as a part of that defence; and being denied that sort of defence which was most constitutional and most effectual, he must supply its loss as well as he could. He trusted, that those Lords who had been the means of depriving government of that defence, would be the most forward in assisting government in another way; and, as they had declared themselves enemies to every idea of compulsion, would push the free spirit of the people to the utmost. It particularly became them so to do; and if they did it effectually, a great part of his uneasiness at seeing the bill so mutilated would be removed. The honourable gentleman had said a great deal about the bad effect of unanimity; he had served his country twenty-five years, and on very few occasions, indeed, did he remember perfect unanimity; when those occasions did occur, he had never seen that matters were worse done than before; of this he was certain, publishing to the world, in speeches, in protests, and in every possible shape, reasonings against government, and complaints of their measures, pointing out at the same time the weakness of the kingdom, and declaring that it could not be rendered stronger, might benefit the enemy, but could do the nation no service whatever.

Mr. *Fox* said, he had not mentioned the aristocracy in the manner the noble Lord had stated it; nor had he repented of giving his consent to the bill as first brought in by his Lordship. He said, he would advise the noble Lord, instead of railing against protests, to do his duty to his country, to restore unanimity to the cabinet, and to adopt such measures as were less objectionable than the bill which they were then debating.

Upon

Upon the Speaker's putting the question, the House divided; ayes 63, noes 45.

A fresh debate then arose upon the motion for the second reading.

Sir *Adam Fergusson* contended that the bill ought to be thrown out, and a new one brought in.

Sir *Joseph Mawbey* took the same ground, but presently quitted it to attack the minister, whom he advised to retire from office, and name his price, declaring that his country would be benefited if they purchased the noble Lord's withdrawing himself from the conduct of our affairs at any cost.

Sir *George Yonge* said, the bill went up to the other House a bill of great efficacy, it came back a bill of no consequence whatever. Sir George was exceedingly angry with the noble Lord in the blue ribbon, for saying he was ready to pick up the crumbs which fell from the Lords' table; and declared such abject humiliation was giving up the privileges of that House in the most infamous manner.

Lord *North*, in reply, declared he perfectly agreed with the honourable baronet, that the virility of the bill was in a great measure taken away by the Lords' amendments, a circumstance which he much lamented. His Lordship explained his expression about the crumbs which fell from the Lords' table, acknowledging that the bill, as first served up to the Lords, was a substantial repast, and thought nothing but the crumbs of it came back, he said they were salutary, and worth having, when no better food could be obtained.

Mr. *James Luttrell* called upon the Speaker for his opinion, whether the bill ought not to be rejected as a money bill.

The *Speaker* declined giving any specific answer, but said, he conceived the House would take care of their own privileges; and the matter was then entirely in their hands.

Mr. *Luttrell*, upon this, gave his opinion, that the bill ought to be thrown out; and attacked Lord North, declaring that little good could be expected from that minister who had owned himself so servile, as to be willing to pick up the lord president's crumbs.

The House again divided; ayes 51, noes 23.

July 3.

The King put an end to the session with the following speech:

My Lords, and Gentlemen,

The many great and essential services you have rendered to me and to your country, during the course of your long attendance in Parliament, demand my most cordial thanks.

I have seen, with entire approbation, the zeal you have manifested for the support and prosecution of the just and necessary war in which I am engaged, nor am I less sensible of your attention to the present state of my kingdom of Ireland: my paternal affection for all my people make me sincerely anxious for the happiness and prosperity of every part of my dominions.

Hitherto the events of war have afforded the court of France no reason to triumph on the consequences of their injustice and breach of public faith; and I trust, that by a spirited and prosperous exertion of the force you have put into my hands, that ambitious power may be brought to wish that they had not, without provocation or cause of complaint, insulted the honour and invaded the rights of my crown.

I have already acquainted you with the hostile step which has been lately taken by the court of Spain. Whatever colour may be attempted to be put upon that unjust proceeding, I am conscious that I have nothing to reproach myself with: it has been followed by the clearest demonstrations of the loyalty and affection of my Parliament to my person and government, for which I repeat to you my warmest thanks; and I consider it as a happy omen of the success of my arms, that the increase of difficulties serves only to augment the courage and constancy of the nation, and to animate and unite my people in the defence of their country, and of every thing that is dear to them.

The advanced season of the year requires that I should afford you some recess from public business; and I do it with the less reluctance, as, by the powers vested in me by law, I can have the aid of your advice and assistance within fourteen days, should any emergency make it necessary for me to convene you before the usual time.

Gentlemen of the House of Commons,

The various and extensive operations of the war have unavoidably occasioned uncommon expence, and brought additional burthens on my faithful and beloved people, which I most sincerely regret. I cannot sufficiently thank you for the confidence you have reposed in me, and for the chearfulness and public spirit with which the large supplies for the current year have been granted.

My Lords, and Gentlemen,

It is impossible to speak of the continuance of the rebellion in North America without the deepest concern; but we have given such unquestionable proofs of our sincere disposition to put an end to those troubles, that I must still hope, that the malignant

malignant designs of the enemies of Great Britain cannot long prevail against the evident interests of those unhappy provinces, and that they will not blindly persist in preferring an unnatural and dangerous connection with a foreign power, to peace and re-union with the mother country.

Prorogued to August the 5th.

Matter mentioned to the House of Commons by Mr. Martin, *on* Wednesday, *9th* June, 1779.

Sir, there is a matter relative to the dignity of this House, which I beg leave to mention previous to the prorogation of Parliament. As I do not know, Sir, that there is any member of the other House now present, and as I should be very sorry to appear personally uncivil to any one, I shall take the opportunity of reminding this House of the very unhandsome reception we always meet with in the other. Sir, I can assure you that there is no one more willing, or even more desirous, than myself, of giving to strangers in general every accommodation in this House which may be granted with propriety: but, Sir, there is one description of strangers of whom I shall beg leave to take some farther notice. Sir, I have now, and I hope I always shall have, that proper respect for the nobility of this country which is due to their rank: indeed, Sir, I believe that those who know me will not accuse me of rudeness, or even of incivility to persons of any rank whatever. But, Sir, I cannot help expressing my surprise, considering what has lately passed, at having seen several of the peers confidently and repeatedly sitting under that gallery. Sir, their Lordships not only deny to us any seat whatever with them, but they have for some years refused the privilege even of standing in a part of their House, to which we formerly had free access, till we were rudely driven from thence, without the least distinction from any other strangers. Sir, as I hope that I never more shall have the occasion of troubling you on this subject, I shall say now, that if we patiently continue to shew to their Lordships that sort of civility which they obstinately persist in refusing to us, I shall most heartily and most sincerely rejoice in any mark of slight and contempt which they may put upon us, and which I think our tame submission will very justly deserve.

Sir, I do not know how far I shall be supported in this matter, as I really have not mentioned my intention of this day to a single creature; but as the opinion of a very independent, tho' very inconsiderable person, I think it my duty to give to the House, whatsoever displeasure I may incur by it. Sir, as a private person, I may be of too little consequence

quence to take the lead in any thing; but, as a member of Parliament, I flatter myself that I shall be honoured by the attention of the House, when I say any thing that deserves it, and particularly in a matter respecting our own dignity. I, Sir, perhaps, may not be more desirous of frequenting the other House than many gentlemen present; but if we do continue to go there, I hope we shall support the dignity of the Commons by being upon proper terms. Sir, I should be very glad to hear any one good reason why we should quietly acquiesce in this very unequal treatment on the part of their Lordships; if I do hear no such reason, I shall think that the spirit of this House is miserably lowered, if we suffer their Lordships to have any seat here except in our gallery, which Sir, you'll please to consider is much more than they allow to us; though I myself had the honour of hearing from your own mouth, Sir, at the end of the last session, that orders were given for our better accommodation. Be that as it may, Sir, so long as we continue on our present footing with their Lordships, I flatter myself, that whenever any of them do honour us with a visit, that they will, at least, have the delicacy to seat themselves with the other strangers; if they should not, Sir, I hope and trust that you will think proper to interpose your authority, as I very humbly conceive it is your duty to do, Sir, in virtue of your office. Sir, though I am proud to profess myself a zealous friend to religious toleration in the most extensive and most unlimited sense of the words; yet, Sir, I shall always oppose the toleration of those Peers in this House, who treat us contemptuously and disrespectfully in the other. Sir, I have thought proper to say thus much before the close of the session, hoping that if the Lords do not take some measure for our more decent accommodation before the beginning of the next, that our serjeant may have positive directions not to suffer any distinction of places between their Lordships, and any other strangers, who may have admittance to this assembly. Sir, I do not wish to have this regulation extend to members of the Irish parliament, or to any other persons to whom distinction may be due. Sir, I shall only add, that if any member of more weight and of more consequence than myself would have taken up this business, I should most readily have declined it; but having waited a long time, and not finding that likely to be the case, I have ventured to undertake it, tho' very unequal to the task, but I hope with the general approbation of the House.

June 22d.

Mr. *David Hartley.* I have waited with much anxiety and impatience through the course of the present session, in expectation that some propositions of peace between this country and America would have been offered to the consideration of parliament. A very general report has prevailed for some months past, that some negotiation towards peace has been set on foot, under the mediation of the court of Spain. I confess to you, Sir, that when I heard that the court of Spain was to be the mediator, I did not form to myself any favourable omen of success from such a mediation; neither does it afford any favourable opinion of the conduct of administration, that they have suffered themselves to be amused with the pretence of that court upon such a subject. It amounts to conviction of insincerity in themselves towards peace, if they have employed their time to no better; for I will venture to say, that they might have found a better employment for their time and attention, if they had been disposed. I am bold to say, because I speak what I know. Ministers were not ignorant where they might have negotiated an honourable and sincere peace, but they have rejected and refused that opportunity, which perhaps may never occur again.

Sir, it is upon the subject of this fallacious negotiation with Spain, which the ministers of this country have so meanly submitted to; and likewise upon their refusal of other terms honourable to this country and equitable in themselves, which were offered to them, but refused on their part, (and which I shall this day lay before you) that I rise now to trouble you. I must beg your favourable attention, not only as upon a matter of great public importance, but likewise your indulgence particularly to myself, as having been the person through whose hand that negotiation passed which might have procured peace, but which ministers have thought proper to reject. I think myself called upon by every tie of duty to my country, and by every consideration of prudence to myself, to lay this transaction before you. My reason for so doing is evident; it is to discharge myself to my country of any concealment in a matter of such deep importance, in which perhaps the fate of many countries and the lives of many thousands may be involved. In civil commotions and in great national wars those men take great responsibilities upon themselves who refuse proffers of accommodation. They charge themselves with all the consequences which may afterwards affect their country by such refusal. However other men may think upon this subject, it never shall be said of me, that knowing of practicable terms of peace I had secreted

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that knowledge from my country. I therefore feel myself compelled to lay before this House and my country, the state of those terms which his majesty's ministers have taken upon themselves to refuse, although they knew at the same time that they would have laid a sure foundation for a solid and permanent peace. I wish the public, at the same time, to be informed of the state of the pretended negotiation for peace, under the auspices of a branch of the House of Bourbon, that they may confront that negotiation with the terms of the other, which, as having been concerned therein, I know to have been honourable, equitable, and practicable, and to have been conducted on one part, at least, in sincerity and good faith, though rejected by a British ministry.

Sir, it happened some months ago to fall to my lot to have the negotiation for the exchange of British and American prisoners pass through my hands. Having nothing so anxiously at heart as the desire of abating all the miseries of war, it may be easily imagined that I did not confine my thoughts merely to the object of the exchange of prisoners, but that I was tempted at the same time to make use of frequent opportunities of communications, which came in my way, to feel the pulses of the respective parties from time to time, towards a general accommodation. It requires not the rank of a crowned head to become a mediator. The most private individual acting in plain and simple sincerity, is ten thousand times more adequate to obtain success in such an undertaking, than the most august court in Europe, acting from pride, passion and self-interest. With respect to the court of Spain this may be brought to a clear test. If ministers will give their consent to lay before this House, all the papers and documents relating to the Spanish negotiation (which I shall move for before I sit down) you will see whether it be an unjust or harsh judgment upon the imputed motives of that court, to suppose that they have not been influenced, by the view of restoring general peace and tranquillity to mankind; but that the passions of pride and self-interest have governed their conduct. I am sure, as far as we can judge by the sample of their principles, as contained in the late Spanish ambassador's rescript, of the 16th of June, now lying upon your table, the very first act of their interference, under the pretence of a mediator for peace, ought to have been treated by a British ministry as an open declaration of war. For what does that rescript say of mediation? Does it even make a pretence of mediating for peace? No. It does indeed tell you, that a British ministry were mean enough to apply for the mediation of the court of Spain; but at the same time it declares most explicitly, on the part of that court, that their intention and plan was to be a

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wait till Great Britain should have exhausted herself by war, and just at the moment (whenever it should arrive) that she should be upon the point of settling her differences with the other powers with whom she was involved, Spain had reserved to herself the right of interposing her hundred grievances, before any general plan of pacification should be suffered to take place. So much for the Spanish mediation for peace, as far as it appears upon the face of the rescript of the 16th June, delivered by the Marquis of Almodavar. If the House should be of opinion to address his Majesty, to lay before them all the papers and documents referred to in that rescript, we shall then see the whole of that negotiation in its true colours. It is fit that ministers should give some account to the public why they have disgraced their country, by meanly courting the insidious mediation of an haughty and hostile power, the known and declared ally to France, by the family compact; and why they have at the same time, refused honourable terms of accommodation, which were offered to them through a channel which could not be suspected of insincerity or deceit.

Sir, I am not conscious that I assume to myself any unbecoming claim of importance when I tell you, that I was myself the instrument of that mediation for preliminary terms of negotiation which might have led to peace. Sincerity and good-will towards this country and towards America being the only qualities requisite in such a mediator. I hope that in those qualities at least, I shall never be thought defective. In my private and circumscribed situation, every thought and labour of mine has been devoted, both in Parliament and out of it, to point out those dangers to which the ministers of this country are continually exposing it, by their headstrong and inflexible obstinacy in prosecuting a cruel and destructive American war; and, at the same time I have endeavoured to trace the road to peace and reconciliation with America, as the fundamental remedy for all those evils which we have already brought upon ourselves, and all those still greater evils which, I fear, are lying in wait for us, if we should persist in following any other road than that which leads to peace.

The two great and cardinal points which I have kept in view, and which I have often suggested to the House in the course of the present session, have been the armaments of Spain on the one hand, and the obvious practicability of peace with America on the other, as deduced from the nature of the case, and the testimony of recent events in the course of the last year.

The American alliance with France was the effect of reluctant necessity; it was decisive; it was eventual, and would never have taken any effect at all, if the British ministry had

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not, insidiously under the simulation of peace, still persisted in exercising all the horrors of war. The ministry of this country pretended to offer peace, but the sword was under their cloak. And after all, what was that pretended offer? It was an offer to talk about peace, but without any specific and bounded conditions. They required previously of America, that they should renounce that protection from a foreign power, which they had been driven to seek in their own defence, and in the face of mankind to break their first engagement of public faith with a power from whom they had received assistance. Let that engagement have been ever so reluctantly incurred on their part, from cruel necessity imposed upon them by a British ministry, it was still binding upon them; and that the motives which induced France to interfere, were not motives of magnanimity or affection, was obvious to all the world. It was the convention of Saratoga which procured to America the active friendship of France. While the event of the American contest at that critical period was dubious, the friendship of France was prudential, unavowed, and undecided. The true test of magnanimity and cordial friendship would have been more feelingly proved in the time of their greatest difficulties and struggles *in rebus incertis*. Such conduct on the part of France, might have laid the foundation of permanent obligation. But still, in every case, engagements of honour are binding, without regard to motives. This ground, however, which I have now stated, is the only foundation of the present connection between France and America; and it is this very ground itself which I take for my own argument and propositions for peace and reconciliation between Great Britain and America; America will doubtless perform all her contracted engagements; but whenever the British ministry can be prevailed upon or compelled by their country to abate their hostilities towards America, the common interests, mutual inclinations, habits of affection, and all the ancient ties of friendship and consanguinity between us, will again emerge into operation, and lead the two countries to peace and reunion with each other.

Being convinced of the necessary and infallible operation of these principles; being likewise fully convinced that both the nations of Great Britain and America ardently wish to sheath the sword and to spare the farther effusion of blood, and that the hearts of none but the ministry alone are set on vindictive purposes: I have, from time to time, felt the *pulses* of each party for some terms of accommodation, and if I could have obtained the concurrence of British ministers, I should

should have been in the fairest prospect of succeeding to my wish, for they alone were unconsenting. I will now lay before you those terms which ministers have thus refused, and which refusal has now actually brought on a Spanish war, superadded to the American and French war. If those terms had been accepted, America, at least, would have been enlisted on our side, in the cause of restoring general peace. But ministers are obstinately and inflexibly determined to plunge their country into every degree of confusion and ruin, which the gratification of their pride, madness, and revenge can drive us to, rather than to lay the foundation of national safety, in an equitable and sincere negotiation of peace and good-will with America. On the other hand, you will see, in the course of that transaction, that the disposition of America is sincere for peace. The terms which I am now going to state to you are honourable for this country; they involve us in no act or proposition of unbecoming humiliation: if they had, I should never have been the proposer of them. The concurrence with those propositions of peace by the persons to whom America has entrusted the conduct of the negotiations, does honour to their country. In this act of theirs, on the part of their country, I still recognize the heart of America unaltered to this country, (I do not mean towards its ministers, but America towards Great Britain). Remember, Sir, the words of their last petition, which was, indeed, trampled under foot by ministry, and judge if their hearts are not still the same. At that time "their breasts retained too tender a regard for the kingdom from which they derived their origin, to request such a reconciliation as might, in any manner, be inconsistent with her dignity or welfare." They do so still, when brought to the fair and free test. The proof of this is fixed by the free concurrence, on their part, with the following terms, which are fully consistent with every principle of equity and honour, at the same time that they are calculated to preserve the dignity and welfare of this country, and to restore peace and reunion with America.

The terms are as follow:

I. That commissioners be appointed to treat, consult, and agree upon the final settlement and pacification of the present troubles in America, upon safe, honourable, and permanent terms, subject to ratification by Parliament.

II. That any one of the aforesaid commissioners may be empowered to agree, as a preliminary, to a suspension of all hostilities, by sea and land, for a certain term of ten years.

The withdrawing of the British forces is not proposed as a preliminary, but is reserved as the first article of the negotiation,

tiation. The condition against which this should be set in balance, on the other side, must be a stipulation for the security of the friends of the British government in America.

III. That any one of the aforesaid commissioners may be empowered to agree, as a second preliminary, to suspend the operation of any and all acts of parliament, respecting America, during the terms of the truce.

IV. That a truce of the aforesaid term of years be agreed to, and declared between Great Britain and France.

V. That the general treaty shall be set on foot for negotiation, as soon as may be after signing the aforesaid preliminaries.

VI. That any articles of the negotiation may take effect as soon as agreed to by the parties, in the course of the negotiation, without waiting for the final conclusion of the treaty.

Sir, the House having now heard the terms themselves, I shall trouble them only with a short comment upon them, for I think they do sufficiently speak for themselves. The first article is, "That commissioners be appointed to treat consult, and agree upon the final settlement and pacification of the present troubles in America, upon safe, honourable, and permanent terms, subject to ratification by Parliament." Upon this article I have but little to say, by way of comment or comparison with the Spanish treaty, until we shall be more informed, as to the plan and mode proposed for negotiation under the Spanish auspices. It is generally reported that that negotiation was to have been conducted at Madrid, at the nod of that court. If there be any sense of national honour left in this country, such a proposition should have been considered as a declaration of war on the part of Spain; I know the answer that an Earl of Chatham would have given upon such an occasion. The answer which that great man, who carried the name of this country to the highest pinnacle of human glory, gave to a Spanish minister upon a proposition similar to this, in the year 1761 was this: "It will be time enough to make such propositions when you are in possession of the Tower of London." As to my own part, Sir, I should have thought it a disgrace to have entertained the most distant idea of meanly submitting the arbitration of British and American concerns to the court of Madrid, prostrating ourselves at their feet, the despised supplicants of their mediation and forbearance. I would concede every thing to reconciliation with America. I would give my heart to them, but I would not be dictated to by the house of Bourbon. The proposed treaty therefore under the propositions which I have just now stated was to have been free and open between the original parties concerned, and uncontrouled by any influence whatsoever,

except

except the universal laws of justice and sincerity, and the returns of mutual affection between the parties.

The second article is, a suspension of all hostilities by sea and land for the term of ten years, with a condition annexed for the withdrawing of the British forces, upon a stipulation on the other side for the security of the friends of the British government in America. Sir, you must certainly have made the observation already, that throughout all the above recited terms there is not the leaſt mention of independence. I have industriously passed it by, with a view of avoiding every occaſion of giving offence. But it may be urged in argument, that a ten years truce would amount substantially and eventually to independence; to which I reply, that if it be so, I do no more than follow a very pleadable example, namely, that of your parliamentary commissioners last year, who, in canvassing with the Congress the point of independence, make use of these words: "We are not inclined to dispute with you about the meaning of words, but so far as (by independence) you mean the entire privilege of the people of North America to dispose of their property and to govern themselves, without any reference to Great Britain beyond what is necessary to preserve that union of force in which our mutual safety and advantage consist, we think that so far independency is fully acknowledged in the terms of our letter of the 10th of June, and we are willing to enter upon a fair discussion with you of all the circumſtances which may be necessary to insure or even enlarge that independency." Now, Sir, I only beg of you to bestow one moment's attention to compare this declaration with the second article of the propositions now under our consideration, and let any man tell me, whether there is any thing in that second article which precludes *that union of force in which our mutual safety and advantage consist*; or, as I should express the same thing, though in other words, is there any obstacle thrown in the way by that proposition to preclude the negotiation of a fœderal alliance between Great Britain and America? The men who after so full a declaration as that through their commissioners last year on the subject of independence, professing their readiness to ensure, and even to enlarge it; those men, I say, who now would cavil at a ten years truce, as conveying an eventual independence which cannot be broader than that which they themselves last year were even solicitous to enlarge; those men, I say, do now give the most public proof, and the most explicit and shameless avowal of their duplicity and insincerity, in those fallacious offers which they transmitted through their commissioners last year to America. Who will give confidence to such miniſters that they

would have ever ratified their own proposals of the last year, when it is considered that those very ministers have now rejected the propositions which are at present under our discussion, upon no other ground of objection but the inadmissibility of a ten years truce, as conveying some possible degree of independence in the event, but which certainly does not convey any degree of independence broader than that which they offered spontaneously themselves last year to ensure and even to enlarge. So much then for the good faith and consistence of ministers.

But, Sir, with your permission, I cannot agree to this point of a ten years truce being tantamount to independence, upon another ground; we have had much evidence brought to our bar lately, to prove to us that four-fifths of America are zealously attached to their ancient dependence upon this country, and languishing to return to that dependence. This is the language universally held and proclaimed by the dependants of ministers, and by ministers themselves. Then mark the consistence of this language with the argument now insisted upon by the same persons, viz. that a ten years truce is equivalent to independence. What! are four men out of five throughout America languishing to return to their dependence upon the ministers of this country, and are these four-fifths defeated of their ardent wishes by the combination of the fifth man, who having arms in their hands, are at present masters over a great majority of their countrymen; and is a proposition, the first object and operation of which is, by a suspension of arms for ten years, to disarm the tyrannical few who now controul and compel the multitude against the bias of their inclination and interest, thereby giving full and free scope to those supposed dispositions, to prevail without controul, if they do exist; is such a proposition, I say, upon the foregoing premises, to be considered as establishing independence? No, Sir; men who can pretend to be convinced, notwithstanding such inconsistencies in their own arguments, have other secret motives and meanings in their conduct, which no reason will ever conquer: they can mean but one thing; which is, to frustrate every possible offer of reconciliation with America; and they have not the common decent regard for their own character or consistence to be scrupulous upon the pretext, how shallow soever it may be, if it will but serve their turn for the day.

But, Sir, there is another ingenious turn given to this argument of the ten years truce as being tantamount to independence. The argument *ad hominem* is turned upon myself. It is said, you at least do not believe all the stories that are related

lated about four-fifths of America being attached to the dependence upon this country, therefore at least, according to your view of things, this proposed concession of a ten years truce muſt be considered as equivalent to independence. I have an answer likewise for this cavil; and it is taken from the very persons themselves who make the objection. I may call every member in this House to witness, that whenever ministers have spoken upon this point of independence, they have always declared it to be absurd in the highest degree to attempt the government of any country, contrary to the general sense and inclination of the people. I agree with them perfectly in that opinion; but I cannot conceive by what inference of logic they can urge that as an objection to me, which they maintain as a principle themselves.

I think, Sir, that I have now answered all the objections which I have heard thrown out againſt the proposal of a ten years truce upon the score of independence, or I ſhould rather say that the objections have answered themselves. As to the proposition of a ten years truce, taken upon its own ground, it seems to bid the fairest of all possible arrangements for producing peace and reconcilement. Time given for cooling on both sides may have excellent effects. When the bayonet is removed from the breast, and all the horrors of war are abated, the natural disposition of the parties on both sides will have full and free scope to exert itself, and to lead the way once more to reconciliation, re-union, and peace. So much, Sir, for this second article; as for the condition annexed to it, of requiring security for the friends of the British government in America before the withdrawing of the British forces, it is so reasonable in itself, and indispensable on our part, that it requires no farther comment. It is impossible for the British nation, as a nation of honour, in any event to desert those unfortunate persons, who, at our invitation and encouragement, have ventured their all in support of the Britiſh claims in America. Sir, I have taken the liberty to detain the attention of the House a little more at length upon the conſideration of this second article, than will be necessary upon any of the others, because it is the hinge upon which the whole of this negotiation has turned. It is this article which has been declared by his Majeſty's miniſters to be totally inadmissible, as being equivalent to the admission of independence. I have stated the arguments upon this point so fully already, that I have nothing farther to say upon the subject. Such an opportunity once thrown away will, I fear, never be recoverable again. It remains now with ministers to reflect upon that important and tremendous responſibility which they have taken upon themselves by that

refusal. A Spanish war, added to all the rest, is come upon us already since that refusal. It has been owing to the headstrong counsels of ministers, and to their inflexible obstinacy, that this country is reduced into those difficulties in which we are at present involved. Those men, therefore, are plunging themselves still deeper into national responsibility, who obstruct and refuse every practicable proposition for laying that foundation of peace which might extricate their country. They now ſtand responsible to procure, either by arms or counsels, some terms more satisfactory, more honourable, and more practicable than those which they have refused.

I shall now proceed shortly to go through the remaining articles. The third article is for a suspension of all acts of Parliament respecting America during the terms of the truce. The object of this article is obvious; viz. to open the door to a free communication between the two countries, during the time of the negotiation, and to familiarize the parties together in the habits of ancient affection and intercourse, without any stumbling block in the way. If the acts of Parliament are suspended in their operation, the question of independence need not at all be called out. It may lie dormant, and as it were in abeyance; whereas if these acts were not suspended, the question of independence would be driven to decision upon the arrival of the first American ship into a British port; in which case it must either be expressly given up or asserted by force, and so all our labour for peace would be lost.

The fourth article, which extends the truce to France, requires but little explanation. It only serves to remind us, that the time is past when these propositions might have laid the foundation for a general peace. It is not my fault that this article is now become insufficient to adjust the terms of a general tranquillity since the interference of Spain. But even now, Sir, desperate as the case is, I would still follow up our fundamental principle in laying the ground-work of a general pacification by an offer of accommodation with America. Peace must undoubtedly be both the interest and inclination of America. It cannot be their object to be dragged through an European war, indefinite as to its probable duration. The hostile ambition of the House of Bourbon may lead them on to war; but the disposition of America is not belligerent, unless from necessity—by no means so from choice. In this maxim the whole difference of the principle is comprised between the mode adopted by the ministry in treating for peace through the court of Spain, which, by inherent jealousies and grudges of their own, as well as by the family compact of alliance with France, can be looked upon in no other light than as

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a belligerent power, and virtually a constituent part of a deep combination against this country from the very first moment of their interference. The application to such a power, under such conditions, was the utmost excess of all absurdity and meanness on the part of a British ministry. On the contrary, the principle upon which I rested all my expectations and hopes of mediating for peace between the parties, viz. that of operating through the interests of America by an offer of peace to them, *who ardently wish to sheath the sword, and to stop the farther effusion of blood;* that principle, I say, is consistent with reason founded on fact, and has been verified by the result, as far as concurrence on their part could contribute to set forward the great work of peace, which British ministers, on the other hand, have always made it their principal object to defeat.

This principle of going to the work of peace through the interests and pacific inclinations of America, is the sure way to arrest the ambition of the House of Bourbon, in as much as they set any value upon their present or the prospect of any future connection with America. I would therefore still follow up the same principle, by resuming the offer of a truce for ten years, upon the foregoing terms, to America: and as the proposition of extending the truce to France was inserted in the late negotiation, with a view to accommodate the terms of that negotiation, to certain engagements in which America had bound herself to the court of France; so if, since that time, America has actually bound herself in any similar engagement with the court of Spain, the argument, which applied before to France, becomes equally applicable to Spain. In this case, the fourth article reformed would run thus, that a truce for the aforesaid term of (ten) years be agreed to and declared between all parties concerned.

As to the fifth article, being only for the opening of a general treaty after preliminaries are agreed to, it requires no comment.—The sixth article proposes, that the articles of negotiation shall take effect as agreed to, from time to time, without waiting for the conclusion of the definitive treaty. The object of this article is to prevent, as much as possible, any return to a state of war after the first declaration of the truce. If the several articles which may be agreed to in the course of the treaty were still to be suspended till the final conclusion, they might all fall together perhaps upon some rub in any single article before the conclusion of the truce. If they take place immediately as agreed to, their salutary and pacific operation will convert a truce eventually into a permanent peace.

I have, Sir, now finished all that I had to say upon the subject of those terms of negotiation of a peace with America,

which, if they had not been refused by British ministers, might have laid a foundation of general peace and national tranquillity. I fear the time will come, and perhaps it is not very distant, when we may bitterly regret that refusal. I do most earnestly recommend it to those who have weight and influence in this House, not to let this session pass without some specific terms of peace offered to America; but I fear the fatal resolution is taken, as far as relates to ministers at least, to shut their ears and their hearts to any pacific propositions. However ineffectual any thing that I can say may be to influence the conduct of ministers, yet it shall never be said that a public parliamentary offer has not been laid before them, to lead them into the road to peace, if they are willing to pursue it. After the motion which I have already announced to you relating to the documents of the Spanish negotiation, I shall take the liberty to offer a second motion for a bill to appoint commissioners to treat, consult, and agree upon terms for settling the troubles in North America. Here, Sir, I shall leave the matter. *Liberavi animam meam.* If some terms of peace with America be not concerted and proposed before the termination of this session, I shall dread the consequences. The first gun that fires to announce the prorogation of Parliament, without some specific plan of peace offered to America, will make my heart tremble. I fear, in its consequences, it will shake this empire to its foundation.

The motions were:

"That an humble address be presented to his Majesty, that he will be graciously pleased to give directions that there be laid before this House, copies, or extracts, of all letters, memorials, and answers, and of all other papers containing any information respecting the mediation which the Marquis d'Almodavar, in his rescript of the 16th of June instant, declares to have been desired of the court of Spain, relative to the disputes of the court of London with its American colonies and with France, and which he declares at the same time to have been accepted by the Belligerent Powers, that his faithful Commons may take the same into their most serious consideration, and give to his Majesty their advice accordingly."

It passed in the negative.

A motion was made, and the question being put, "That leave be given to bring in a bill to enable his Majesty to appoint commissioners with sufficient powers to treat, consult, and agree upon the means of quieting the disorders now subsisting in certain of the colonies, plantations, and provinces in North America."

It passed in the negative.

There was no debate, the ministers not saying a word.

THE

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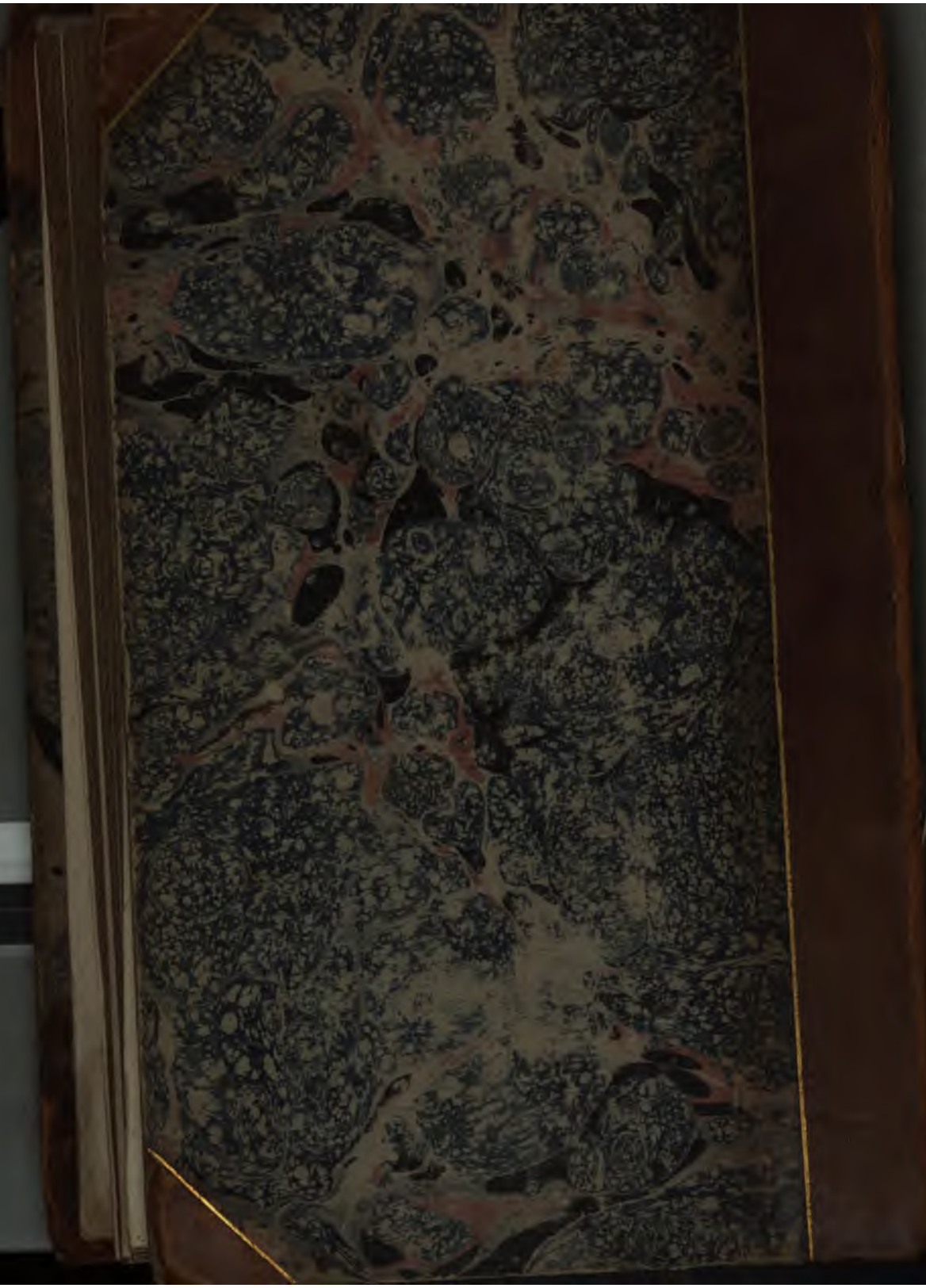
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